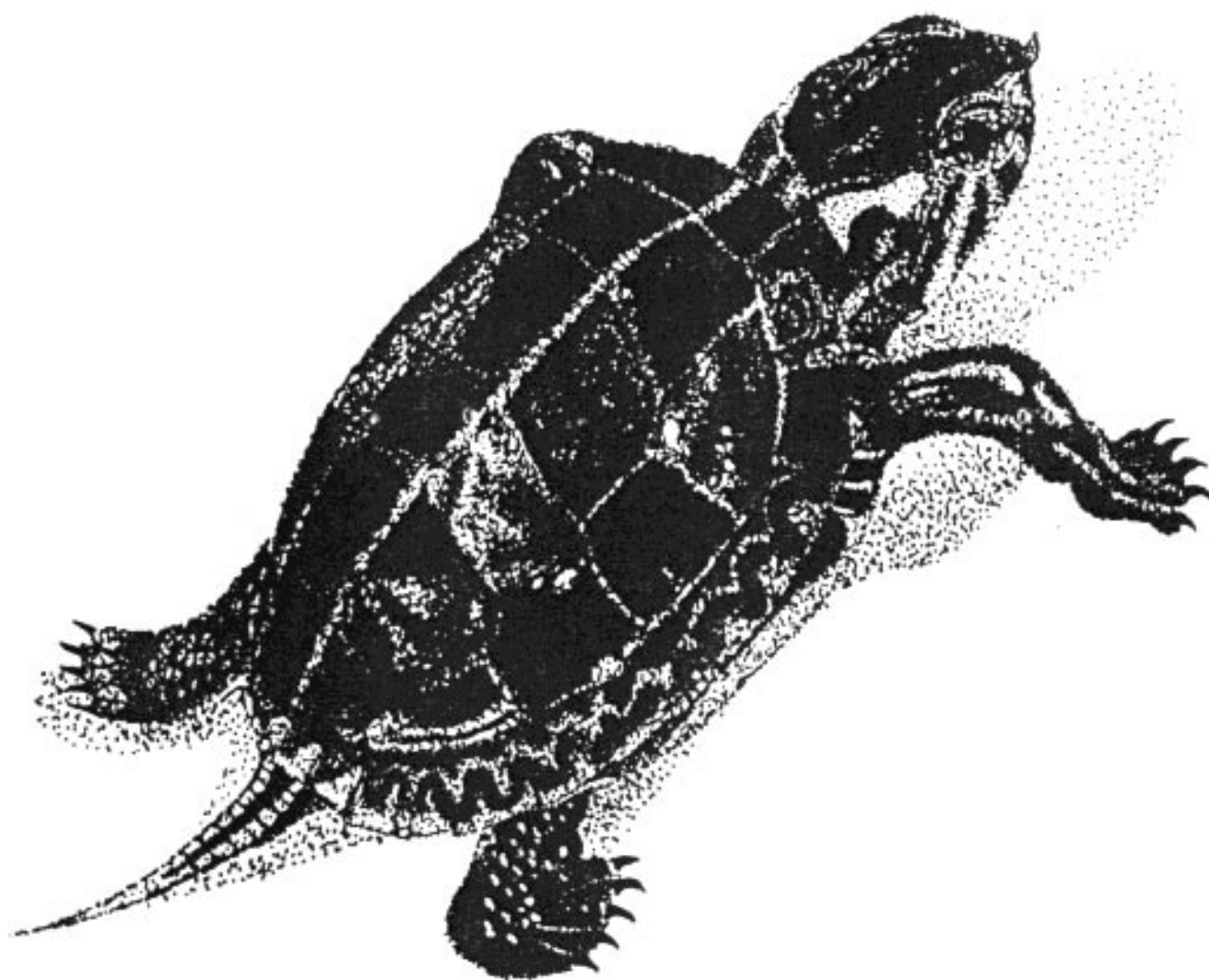


TEXAS REGISTER

Volume 22 Number 58 August 5, 1997

Pages 7197-7255



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9th Grade

Grand Prairie High School

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Texas Register, ISSN 0362-4781, is published twice weekly 100 times a year except May 30, November 14, December 2, and December 30, 1997. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78701. Subscription costs: printed, one year \$95, six month \$75. Costs for diskette and online versions vary by number of users (see back cover for rates). Single copies of most issues for the current year are available at \$7 per copy in printed or electronic format.

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The ***Texas Register*** is published under the Government Code, Title 10, Chapter 2002. Periodical Postage is paid at Austin, Texas.

POSTMASTER: Please send form 3579 changes to the ***Texas Register***, P.O. Box 13824, Austin, TX 78711-3824.

a section of the
Office of the Secretary of State
P.O. Box 13824
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PROPOSED RULES

Before an agency may permanently adopt a new or amended section or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before action is taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 182. Small Business Assistance

Subchapter B. Linked Deposit Program [Historically Underutilized Businesses]

10 TAC §§182.51, 182.52, 182.54–182.58, 182.60

The Texas Department of Commerce (department) proposes amendments to §§182.51, 182.52, 182.54–182.58, and 182.60, implementing the Linked Deposit Program authorized by Texas Government Code, Chapter 481, Subchapter N.

Senate Bill (SB) 265 of the 75th Legislature amended several provisions of the program. In addition, the 75th Legislature enacted SB 932, abolishing the Texas Department of Commerce and creating the Texas Department of Economic Development effective September 1, 1997. The Texas Department of Commerce proposes these amendments on behalf of the Texas Department of Economic Development, which will be in existence prior to the earliest effective date of these rules.

These amendments are being proposed in order to reflect the legislative changes made by SB 265 and SB 932, to change references to the treasury to references to the comptroller, in accordance with SJR No. 1 of the 74th Legislature, which proposed a constitutional amendment to abolish the State Treasury that was adopted by the voters, to clarify aspects of the program that were unclear or confusing, and to more accurately reflect current program practices. In addition, some grammar and punctuation errors have been corrected.

The proposed amendments to §182.51, General Provisions, change the name of the implementing state agency to the Texas Department of Economic Development and the name of the program to the Linked Deposit Program due to statutory revisions enacted by the 75th Legislature. In addition, §182.51 is being

amended to add child-care providers, non-profit corporations, and small businesses located in enterprise zones and to delete small businesses in distressed areas as eligible program participants in accordance with SB 265.

The proposed amendments to §182.52, Definition of Terms, reflect the changes made by SB 265 and SB 932 and delete references to the state treasury and replace them with references to the comptroller in accordance with the abolishment of the State Treasury by the 74th Legislature.

The proposed amendments to §182.54, Application Procedures for the Lender, change references to the treasury to references to comptroller and clarify the length of time the lender has to submit a compliance report to the department after a loan is funded.

There are two proposed amendments to §182.55, Procedure for Review by the Department. The first change provides that applications found to be deficient will be considered withdrawn if the amended application is not received by the department within 15 calendar days of the date the lending institution is notified of the deficiency. This change is needed to eliminate the possibility that pending, incomplete applications will prevent other potential borrowers from obtaining funding. The second change is to reference the comptroller, rather than the treasury.

The proposed amendments to §182.56, Acceptance and Rejection Procedures, change references to the treasury to references to the comptroller, clarify that execution of a written deposit agreement is required prior to funds being wired, provide that the interest rate paid on the linked deposit may be modified during the period of the loan, and provide that the department's governing board, as well as the executive director, may reconsider a rejected application.

The proposed amendments to §182.57, Designation as a Distressed Community, clarify that municipalities may no longer apply to the department for designation as a distressed community under the program.

There are four proposed amendments to §182.58, Program Limitations. Section 182.58(2) is being amended to add a maximum aggregate loan amount in order to encourage use of the program by multiple borrowers by eliminating the possibility that one borrower might utilize a large portion of the total funds available and to delete a provision that applied only until September 1, 1995. Section 182.58(4) is being amended to change the maximum amount of a loan to \$250,000, in accordance with SB 265. Section 182.58(7) is being amended to provide that loans do not expire upon expiration of the fiscal year, but are placed for the period of the loan subject to the lender remaining an approved lender by the comptroller, in accordance with SB 265. Section 182.58(10) is being added to provide that the comptroller is not required to maintain a deposit with a lending institution for a loan that has been extended, renewed, or renegotiated unless a new linked deposit application for the loan as modified has been submitted and approved.

The proposed amendments to §182.60 change the name and update the address of the department.

Jim Albright, Director of Finance, Business Services Division, for the Texas Department of Commerce, has determined that there will be fiscal implications as a result of enforcing or administering the rules. For each of the first five years that the rules are in effect, the effect on state government will be the administrative costs which the Texas Department of Economic Development incurs in administering the program under the proposed rules. The comptroller will also incur administrative costs in complying with the rules. While such costs cannot be quantified, Mr. Albright anticipates that such costs will be minimal, because the proposed rules provide that local private banks will implement the program.

Mr. Albright has further determined that there will be minimal costs to local government associated with the proposed rules, primarily because the program will be implemented by local private banks. Mr. Albright believes that the costs to local governments will be more than offset by the economic and other benefits gained by the local community through the program.

Mr. Albright has also determined that there will be a public benefit for each of the first five years that the rules are in effect. The benefit is that local communities participating in the program may realize increased economic development benefits, including new and retained jobs, capital investment within the community, and enhanced quality of life for the public due to economic development in areas identified as economically distressed. There will be a positive effect on small businesses that qualify for loans under the program.

The cost to persons complying with the rules is not quantifiable since it depends, in large part, on the amount of staff time spent and the wages of the staff in meeting the requirements of the program.

Comments on the proposed rules should be submitted to Robin Abbott, Assistant General Counsel, Texas Department of Commerce, 1700 North Congress Avenue, Suite 130, Austin, Texas 78701, within 30 days of the publication of the proposed rules. Comments may be faxed to Ms. Abbott at 512/936-0415 during the 30 day comment period. Comments received after the 30 day period will not be considered by the department.

The rules are proposed under the authority of §481.005 of the Texas Government Code, which directs the governing board to adopt rules for programs administered by the department, and the Administrative Procedure Act, Government Code, Chapter 2001, Subchapter B, Rulemaking, which sets forth the rulemaking procedure to be followed by state agencies in proposing and adopting rules.

Texas Government Code, Chapter 481, Subchapter N, is affected by these rules.

§182.51. General Provisions.

(a) Introduction. Pursuant to the authority granted by the Government Code, Chapter 481, Subchapter N, the Texas Department of **Economic Development** [Commerce] prescribes the following rules regarding the administration, implementation, practice and procedure of the [Historically Underutilized Business and Small Business] Linked Deposit Program.

(b) Purpose. The purpose of the program is to encourage lending to historically underutilized businesses, **child-care providers, nonprofit corporations**, and to small businesses **located in enterprise zones** [in distressed areas]. These sections are adopted to provide standards of eligibility and procedures for obtaining financial assistance under the Act.

§182.52. Definition of Terms.

The following words and terms, when used in this section, shall have the following meanings, unless the context indicates otherwise.

Child-care provider—A small business that operates or proposes to operate a day-care center or group day-care home, as defined by **§42.002, Human Resources Code**.

Collateral—Securities, in accordance with the Texas Government Code, §404.25, and 34 TAC §171.1, required to be pledged at a minimum of 105% of amounts which exceed the Federal Deposit Insurance Corporation coverage according to the **comptroller** [treasury] and State Depository Board.

Comptroller—The Texas Comptroller of Public Accounts.

Department—The Texas Department of **Economic Development** or **any successor agency** [Commerce].

Eligible borrower or borrower—Person who proposes to begin operating a small business in **an enterprise zone, as defined by Texas Government Code, §2303.003**, [a distressed community or] a historically underutilized business, **a nonprofit corporation, or a child-care facility**.

Governing Board—The governing board of the Texas Department of Economic Development.

Nonprofit corporation—A not for profit corporation organized under the Texas Non-Profit Corporation Act (Vernon's Texas Civil Statutes, Article 1396-1.01 et seq.).

[Policy Board—Policy Board of the Texas Department of Commerce].

Program—The [Historically Underutilized Business and Small Business] Linked Deposit Program authorized by the Texas Government Code, Chapter 481, Subchapter N.

[Treasury—The Texas state treasury and the Texas state treasurer.]

§182.54. Application Procedures for the Lender.

A lender must comply with the following procedures to obtain approval of an application for participation in the program:

(1) (No change.)

(2) A lender that is not an approved depository may obtain the appropriate designation by filing a state depository application with the **comptroller** [Treasury], which will then be submitted to the State Depository Board for approval.

(3)-(5) (No change.)

(6) A lender shall estimate the proposed rate of interest to be charged the applicant in the linked deposit application filed with the department. The lender must certify via telephone communication with the **comptroller** [treasury] at the time the loan is priced the actual rate of interest before issuance of the linked deposit. The actual eligible borrower's loan rate shall be sent to the department as part of the compliance report. In no event shall the actual rate of interest exceed the maximum rate of interest allowable under the Act.

(7) In no instance will the linked deposit be wired to the lender until the loan proceeds have been paid to the eligible borrower, and required collateral deposited and approved by the **comptroller** [treasury].

(8) A lender shall submit the compliance report to the department **within** ten days after the loan is funded.

(9) (No change.)

(10) A lender shall comply with all terms and agreements set forth in the state depository application, the linked deposit application, and any other agreements and representations made to the department and the **comptroller** [treasury], and all other terms and conditions of the loan, these rules, and the Act.

§182.55. Procedure for Review by the Department.

(a) (No change.)

(b) The department shall notify the lender of any deficiencies in the application 24 hours after receipt of the application. The applicant and the lender may amend the application to comply with the department's comments or withdraw the application. **Applications found to be deficient will be considered to be withdrawn if the amended application is not received by the department within 15 calendar days of the date the lending institution is notified of the deficiency.**

(c) The department shall retain a copy of the linked deposit application and forward a [duplicate] copy of the linked deposit application with the department's recommendation to the **comptroller** [treasury].

§182.56. Acceptance and Rejection Procedures.

(a) The **comptroller** [treasury] shall review completed applications from the department.

(b) If the **comptroller** [treasury] disagrees with the department's recommendation, the **comptroller** [treasury] and the department shall meet to resolve the disagreement.

(c) Unless **the comptroller** [treasury] disagrees with the department, upon receipt of the completed application, the required collateral from the lender, and written notice of funding of the loan from the department, **and execution by the department, the comptroller and the lender of a written deposit agreement containing**

the information required by Government Code, §481.193(h), the comptroller [treasury] will wire the linked deposit to the lender in immediately available funds the same day, provided written notice of [that] funding of the loan is received by noon. The **comptroller** [treasury] will then provide the department confirmation of the linked deposit.

(d)The **comptroller** [treasury] shall determine the terms and conditions of the linked deposit once the maturity date is established [(it cannot be set beyond the end of the biennium in which the linked deposit is placed)] . The applicable interest rate for the linked deposit can be determined by referring to a compatible United States maturity note as listed in the current issue of the Wall Street Journal. **The interest rate to be paid on a linked deposit may be modified during the period of the loan, so long as the new interest rate complies with the provisions of Government Code, § 481.192.**

(e) An eligible borrower or a lender may request reconsideration of the rejection of an application by the department executive director **or governing board**. The executive director's **or governing board's** decision on the application shall be final and binding.

(f) A lender shall terminate the linked deposit if the loan is prepaid. Quarterly principal reductions of \$1,000 or more will result in a corresponding reduction of the linked deposit in a like amount (rounded to the nearest thousand dollars) at the end of each quarter ending in November, February, May, and August. Upon completion of the quarterly review by the **comptroller** [treasury] and the department, the linked deposit will be adjusted to the outstanding principal balance rounded to the nearest thousand dollars.

(g) If a lender ceases to be a state depository, the **comptroller** [treasury] may withdraw the linked deposits. If the lending institution, which has a linked deposit is purchased by or merged with another lending institution, the linked deposit shall be reissued to the acquiring or resulting institution, if all depository requirements are met. Should the linked deposit loan not be obtained by the resulting institution, then the linked deposit shall be returned to the **comptroller** [treasury]. The department and the **comptroller** [treasury] will allow the borrower 90 days to place the application with another eligible lending institution.

(h) A late payment on a loan by a borrower does not affect the validity of the linked deposit through the period of the fiscal biennium. Should a participant default on a loan and the lending institution proceed with collection by foreclosure, the linked deposit may, as determined by the **comptroller** [treasury], be returned to the **comptroller** [treasury].

§182.57. Designation as Distressed Community.

[(a)] A municipality may **no longer** apply to the **governing** [policy] board for designation of a subarea of the municipality as a distressed community **for the purpose of obtaining benefits under this title.**

[(b)] The application must:

[(1)] provide evidence that the subarea of the municipality for which the application is being made has been traditionally recognized by custom or by previous governmental designation as a subarea and certify that:

[(A)] the per capita income in the subarea is 80% or less of the median income of the entire municipality filing the application;

[(B) the unemployment rate in the subarea is 1.5 times higher than the average unemployment rate of the entire municipality; and

[(C) 10% or more of all individuals and families in the subarea are in poverty; or

[(2) certify that the subarea is part of an enterprise zone designated under the Texas Enterprise Zone Act (Texas Civil Statutes, Article 5190.7).

[(c) The policy board shall designate the subarea for which an application is filed as a distressed community if it determines that the requirements of subsection (b) of this section have been satisfied and that the evidence required under subsection (b)(1) of this section, if applicable, is sufficient.]

§182.58. Program Limitations.

In addition to the limitations already set forth in these rules, the following limitations apply.

(1) Not more than \$3 million may be placed concurrently in all linked deposits under the Act.

(2) **At no time before September 1, 1999, shall any one eligible borrower have more than \$300,000 in aggregate of loans outstanding under the program** [Notwithstanding paragraph (1) of this section, at any one time before September 1, 1995, not more than \$1 million may be placed in all linked deposits under the Act].

(3) (No change.)

(4) The maximum amount of a loan is **\$250,000** [\$100,000].

(5)-(6) (No change.)

(7) All linked deposits placed under this program **are placed for the period of the loan, subject to the lender remaining an approved lender by the comptroller and provided that the loan for which the linked deposit is being made does not default** [shall expire upon expiration of the state fiscal biennium in which they were placed; however, subject to legislative authorization and approval by the department and the treasury linked deposits that expired as a result of the expiration of the biennium may be renewed].

(8)-(9) (No change.)

(10) **The comptroller is not required to maintain a deposit with a lending institution if the loan for which the linked deposit was placed has been extended, renewed, or renegotiated without the submission and approval of a new linked deposit application for the loan as modified.**

§182.60. Communications with the Department.

All communications about the program should be directed to Business Development Division, [Capital Development, Historically Underutilized Business and Small Business] Linked Deposit Program, Texas Department of **Economic Development** [Commerce], P.O. Box 12728, Austin, Texas 78711[,] **-2728** [(512) 320-9634].

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709762

W. Lane Lanford

Chief Administrative Officer

Texas Department of Commerce

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 936-0181

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 363. Financial Assistance Programs

Formal Action by the Board

31 TAC §363.33

The Texas Water Development Board (the board) proposes an amendment to §363.33 Interest Rates for Loans and Purchase of Board's Interest in State Participation Projects. The amendment will insure that the interest rates set for loans will not be higher than allowed under federal tax law applicable to the proceeds to be used by the Board in providing the loan.

Bruce Wood, the Director of Accounting and Finance, has determined that for the first five year period the section is in effect the fiscal implication as a result of enforcing or administering the section will be an estimated reduction in cost to state government of zero for 1997, \$117,819 for 1998, \$138,170 for 1999, \$154,850 for 2000, and \$152,625 for 2001. The estimated reduction in cost to state government over the life of the loans has been estimated at \$3.247 million dollars. The effect of enforcing or administering the section on local governments will be zero for 1997, \$8,893 for 1998, \$8,467 for 1999, \$8,043 for 2000, and \$7,618 for 2001. The estimated reduction in cost to local government over the life of the loans is \$93,688 dollars.

Mr. Wood also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the section is to provide cost savings to users of the Board's loans. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Comments on the proposed amendments will be accepted for 30 days following publication and may be submitted to Jonathan Steinberg, Staff Attorney, 512/475-2051, Texas Water Development Board, P.O. Box 13231, Austin, Texas, 78711-3231.

The amendments are proposed under the authority of the Texas Water Code, §6.101 and §17.176 which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State and the authority to establish lending rates in the use of the proceeds of bonds sold by the board.

Chapter 17, Subchapter E are the statutory provisions affected by the proposed amendments.

§ 363.33. *Interest Rates for Loans and Purchase of Board's Interest in State Participation Projects.*

(a) Procedure and Method for Setting Fixed Interest Rates.

(1) (No change.)

(2) For loans from the Development Fund or for lending rates for purchases of the board's interest in state participation projects, the Development Fund Manager will set the interest rate at the higher of:

(A) the rates established in the lending rate scale adopted by the board under subsection (b) of this section; or

(B) either:

(i) for tax-exempt issues, the rates established by the "A" scale of the Delphis Hanover Corporation Range of Yield Curve Scales (Delphis A scale), or

(ii) for taxable issues, the Delphis A scale adjusted to take into consideration the difference between taxable and tax-exempt rates in the market, as determined by the Development Fund Manager; or

(C) for loans with a maturity less than 15 years, if the interest rates calculated in subparagraph (A) or (B) of this paragraph results in a true interest cost that is less than the minimum true interest cost of the lending rate scale established under subsection (b) of this section for those funds, at a rate increased to match the minimum true interest costs so the board may recover all costs attributed to the bonds sold by the board.

(D) for loans funded by the board with proceeds of bonds the interest for which is intended to be tax exempt for purposes of federal tax law, the Development Fund Manager will limit the interest set pursuant to this subsection at no higher than the rate permitted under federal tax law to maintain the tax exemption for the interest on the board's bond.

(3) (No change.)

(b)-(c) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709766

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981



Chapter 371. Drinking Water State Revolving Fund

Program Requirements

31 TAC §§371.13, 371.14, 371.16, 371.17, 371.19, 371.20, 371.23

The Texas Water Development Board (board) proposes amendments to §§371.13, 371.14, 371.16, 371.17, 371.19 and 371.20 and new §371.23 concerning the Drinking Water State Revolving Fund. The amendments provide for a new Drinking Water State Revolving Fund program for source water protection. The

amendments also provide correction to Chapter 371 pursuant to changes in federal guidance requirements.

Amendment to §371.13 concerning projects eligible for assistance corrects projects that consolidate water supplies. Amendments to §371.14 add clarification regarding authorized source water protection activities that may be funded. Amendment to §371.16 concerning eligible land costs adds acquisition of land or conservation easements as an eligible cost for the source water protection program. Three definitions are added in §371.19 concerning the rating process that are applicable to source water protection. Additionally, new §371.19(h) is added to provide criteria for source water protection priority ratings. Section 371.20 concerning the intended use plan is amended to add new §371.20(b)(1)(F) concerning requirements for listing projects in the intended use plan. New §371.23 provides criteria and methods for the distribution of funds for source water protection.

Bruce Wood, Director of Accounting and Finance, has determined that for the first five year period the sections are in effect there will be no fiscal implications on State or local government.

Mr. Wood also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide low interest loans for source water protection projects to eligible applicants of the State pursuant to 42 United States Code 300f et seq. and the Texas Water code, Chapter 15, Subchapter J, §§15.601-15.609 and Chapter 17, Subchapter C, §17.0821. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amendments and new section as proposed.

Comments on the proposed amendments and new section will be accepted for 30 days following publication and may be submitted to Gail Allan, 512/463-7804, Texas Water Development Board, P.O. Box 13231, Austin, Texas, 78711-3231.

The amendments and new section are proposed under the authority of the Texas Water Code, §6.101 and §15.605 which provide the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including the SRF Program.

The statutory provisions affected by the amendments and new section are Texas Water Code, Chapter 15, Subchapter J, §§15.601-15.609 and Chapter 17, Subchapter C, §17.0821.

§§371.13. Projects Eligible for Assistance.

(a) Projects are eligible for assistance if they will facilitate compliance with the primary or secondary drinking water regulations applicable to the public water system or otherwise significantly further the health protection objectives of the Act. Such projects include:

(1)-(2) (No change.)

(3) projects to consolidate water supplies where [the supplies have an inadequate quantity of water,] the water supply is contaminated or the system is unable to maintain compliance with the national primary drinking water regulations for financial or managerial reasons and the consolidation will achieve compliance;

(4)-(5) No change

(b)-(c) No change

§§371.14. *Other Authorized Activities.*

(a) In General. In addition to projects funded under §371.13 of this title (relating to Projects Eligible for Assistance) the board may take each of the following actions.

(1)-(2) No Change

(3) Make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with §1453, except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

(4) Make expenditure from the fund for the establishment and implementation of wellhead protection programs under §1428.

(b) Limitation. For each fiscal year, the total amount of assistance provided and expenditures made by the board under this subsection may not exceed 15% of the amount of the capitalization grant received by the board for that year and may not exceed 10% of that amount for any one of the following activities.

(1)-(3) (No Change.)

(4) To make expenditure to delineate or assess source water protection areas.

(5) To make expenditure to establish and implement wellhead protection programs.

§§371.16. *Eligible Land Costs.*

(a) Eligible land costs include the purchase of land if the land is necessary to locate the project and the sale is from a willing seller. Acquisition of real property or real property interests are not eligible costs unless the acquisition is integral to an authorized project.

(b) **For the source water protection program, acquisition of land or conservation easements from a willing seller or grantor is eligible for loan assistance if the purpose of the acquisition is to protect the source water of a public water system from contamination and to ensure compliance with national primary drinking water regulations.**

§ §371.17. *Capitalization Grant Application.*

After the board approves the intended use plan and priority lists[list], the executive administrator shall submit these items with an application for the capitalization grant for that fiscal year to EPA.

§ §371.19. *Rating Process.*

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1)-(6) No change

(7) **Geologic protection** - The presence of one layer of clay 30 feet thick or thicker or the presence of thinner clay layers whose cumulative thickness is 100 feet thick or thicker between the ground surface and the top of a water producing aquifer.

(8)[7] **Maximum contaminant level** - The maximum allowable level for any bacteriological chemical or radiological contaminant specified in 30 TAC Chapter 290 (Water Hygiene).

(9)[8] **Ninetieth percentile copper/lead level** - The level of lead or copper in a water system determined by the method specified in 30 TAC Chapter 290 (Water Hygiene).

(10)[9] **Secondary chemical constituent exceedance** - An exceedance of the constituent level established for any secondary chemical constituent listed in the following table: Figure 3: 31 TAC 371.19(a)(10)[(9)].

(11)[10] **Treatment technique violation** - A violation of any surface water treatment technique as specified in 30 TAC Chapter 290 (Water Hygiene). For the purposes of this rating, these will include all 5.0% exceedances of the 0.5 NTU standard.

(12) **Selected vulnerable aquifer** - Aquifers identified by the Commission at the time of preparation of the annual intended use plan and included by list in the letter soliciting project information as described in Section 371.20(b)(1) with criteria including, but not limited to: high transmissivity, rapid recharge (e.g. karst), unconfined aquifers with shallow water tables.

(13) **Watershed** - The contributing area of water to a surface water body such as a river or reservoir.

(b)-(g) (No Change.)

(h) **Source Water Protection Priority Rating. Eligible entities that seek consideration for source water protection funding will be rated according to the following criteria.**

(1) **Ground Water System Vulnerability Factor.**

(A) **Ground water systems without the necessary water well geologic protection will receive 4 points.**

(B) **Ground water systems with documented Nitrate (N) concentrations of greater than 2 mg/l will receive 1 point.**

(C) **Ground water systems obtaining water from selected vulnerable aquifers will receive 1 point.**

(D) **Ground water systems with confirmed detections of organic chemical contamination identified in the following table will receive 2 points: Figure 8: 31 TAC 371.19(h)(1)(D).**

(E) **No ground water system may receive more than 6 system vulnerability points. Ground water systems that receive no system vulnerability points will not be considered for source water protection funding.**

(2) **Surface Water System Vulnerability Factor.**

(A) **Surface water systems with contributing watersheds of 20 square miles or less as determined by the Commission will receive 3 points.**

(B) **Surface water systems with confirmed detections of organic chemical contamination identified in the following table will receive 3 points: Figure 9: 31 TAC 371.19(h)(2)(B).**

(C) **No surface water system may receive more than 6 system vulnerability points. Surface water systems that receive no system vulnerability points will not be considered for source water protection funding.**

(3) **No combination ground and surface water system may receive more than 6 system vulnerability points.**

(4) **Ability to Implement Best Management Practices Factor.**

(A) **Systems that receive system vulnerability points and that possess the ability and authority to implement land use**

controls including but not limited to zoning or ordinances, will receive 2 points.

(B) Systems that receive system vulnerability points and that possess the ability to implement other non-land use controls such as public education, contingency planning, or conducting toxic/hazardous waste collection events will receive 1 point.

(C) Systems that receive system vulnerability points and that propose to plug abandoned wells within the delineated source water protection area will receive 1 point.

(D) Systems that receive system vulnerability points and that have confirmed siting or well construction problems listed on the most recent Commission sanitary survey will receive 1 point for proposals which will correct these problems.

(E) Systems that receive no Ability to Implement Best Management Practices points will not be considered for source water protection funding.

(5) **Affordability Factor.** A system having a service area in which the per capita income averaged 25 percent or more below the state average based upon the most recent census data available shall have an affordability rating factor of 1.

(6) **The total source water protection rating score will be the sum of points generated from ground and surface water system vulnerability, ability to implement best management practices and affordability factors.**

§§371.20. *Intended Use Plan.*

(a) (No Change.)

(b) The process for listing projects in the intended use plan, will be as follows.

(1) On or before 1 April each year the executive administrator will solicit project information from eligible applicants desiring to have their projects placed on the subsequent year's intended use plan. The required information will consist of:

(A)-(E) (No Change.)

(F) **Additional information as necessary to establish the priority rating score for source water protection projects.**

(2)-(4) (No Change.)

(c)-(d) (No Change.)

§§371.23. *Criteria and Methods for Distribution of Funds for Source Water Protection.*

(a) The Board will determine annually the amount of capitalization grant funds to be reserved for source water protection projects and will include this information in the intended use plan, provided however that no more than 10% of any cap grant can be so reserved.

(b) After the executive administrator determines the amount of funds available for source water protection projects from capitalization grant reserves, state match, repayments or any other source, the available funds will be applied to the list of source water protection projects designated to receive funding in the intended use plan. Projects will be listed in priority ranking order as determined by §371.19(h) of this Chapter, relating to Rating Process. Projects assigned identical rating scores will be listed in alphabetical order.

(c) After projects have been ranked, a funding line will be drawn according to the amount of available funds. Project costs will be based on cost estimates, acceptable to the executive administrator, contained in the intended use plan solicitation described in §371.20 (relating to Intended Use Plan) used to establish the project list. The executive administrator may adjust the location of the funding line upward or downward to avoid placing the line within a group of applicants having identical rating scores.

(d) Projects above the funding line shall be eligible for assistance. After the funding line is drawn, the executive administrator shall notify in writing all potential applicants above the funding line of the availability of funds and will invite the submittal of applications. If after 6 months, all available funds are not committed, the executive administrator shall notify the remaining eligible applicants on the list to submit applications in accordance with this subsection and subsections (e)-(g) of this section.

(e) Applications for assistance may be submitted at any time after notification by the executive administrator of the availability of funds and will be funded on a first-come, first-served basis. Funds shall be committed to a project designated to receive assistance upon board approval of the application.

(f) If the amount of funds required to fund all applications which are complete and ready for scheduling for board action exceeds the amount of funds available for commitment, a fund shortage is considered to exist.

(g) Applications which are ready for scheduling for board action at the time a fund shortage occurs will be presented for board action in order of their priority ranking in accordance with §371.19 of this title (relating to Rating Process). Funds will be made available to applicants in priority order until all available funds have been utilized. If a tie for commitment of funding exists among applicants with identical rating scores, the applications will then be funded based on the date and time of receipt of a complete application for assistance.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709621

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 81. Interaction with the Public

37 TAC §§81.1, 81.35, 81.75

The Texas Youth Commission (TYC) proposes amendments to §81.1 and §81.75, concerning public information request and copying costs; and new §81.35, concerning involvement of

victims. The amendments are made to comply with changes in law passed by the 75th Legislature. The amendment to §81.1 affects response time by TYC to provide information to the public. The amendment to §81.75 changes the cost to the public for copies of written information. An earlier version of §81.35 is being repealed at the same time new §81.35 is being proposed. Subsequent to change in law by the 75th Legislature, the definition of "victim" has been broadened. The new section provides procedures whereby victims may receive information about or may participate in the release review of certain youth in TYC.

Terry Graham, Director of Finance, has determined that for the first five-year period the sections are in effect there will be minimal fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Graham also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be more efficient management by government. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed. No private real property rights are affected by adoption of this rule.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar, P.O. Box 4260, Austin, Texas 78765.

The amendments and new section are proposed under the Human Resources Code, § 61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

The proposed rules implement the Human Resource Code, §61.034.

§81.1. Public Information Request.

(a)-(c) (No change.)

(d) TYC staff shall respond within ten **business** [calendar] days to a request.

(e) If the request is going to be denied or deferred to the Attorney General's office, a response to the request must be made within ten **business** [calendar] days of receipt of the request. Otherwise, the information is open for inspection.

(f)-(g) (No change.)

§81.35. Involvement of Victims.

(a) Purpose. The purpose of this rule is to acknowledge the rights of victims described in the Texas Family Code, Section 57.001, provide information as required, and a procedure whereby victims may be involved in the resocialization and release process of youth committed to the Texas Youth Commission.

(b) Explanation of Terms Used.

(1) Victim means a person who as the result of the delinquent conduct of a child suffers a pecuniary loss or personal injury or harm.

(2) Close relative of a deceased victim means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.

(3) Guardian of a victim means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.

(c) All of the rules and procedures afforded to a victim of a youth in TYC custody, as indicated by the use of the term victim in this section, are equally afforded to the victim's guardian or close relative if the victim is deceased.

(d) Victim Requests for Information. A victim may request and will be provided, by the TYC staff of the youth's placement program:

(1) information of the procedures for release or transfer of the youth from one program placement to another including to the custody of the pardons and paroles division of the Texas Department of Criminal Justice for parole;

(2) notification of the release or transfer.

(e) Victim Participation.

(1) To place a request, a victim may contact the following TYC staff regarding a youth who is under the supervision of TYC: the central office victim services coordinator, the institution superintendent, the halfway house superintendent, the parole supervisor, the quality assurance administrator, or their designees.

(2) A victim may participate by providing to TYC for inclusion in the youth's masterfile, information to be considered by the Commission before the release or transfer.

(3) A victim may participate through direct input into the release or transfer (except movement between similar facilities) by:

(A) submitting a written statement which is provided to staff members responsible for the release or transfer review.

(B) making a statement in person during the release or transfer review. The victim may not be allowed to attend the entire review regarding the youth.

(C) meeting at any convenient time with the youth's primary service worker

(4) Victims who appear in person will be provided a waiting area separate from any location where they could encounter the youth.

(5) The victim's input will be considered as it affects the youth's successful reintegration into the community, youth's and others' safety, and determination of special conditions.

(6) The victim has no right of appeal in any TYC decision.

(f) Victim Impact Panels.

(1) Crime victims may participate in victim impact panels at the invitation and discretion of the TYC.

(2) Victim impact panels are held in accordance with guidelines established by the TYC.

§81.75. Copying Costs.

(a) Purpose. The purpose of this rule is establish **rates at which** [the amount] TYC charges the public for certain information.

(b) (No change.)

(c) The agency may charge for copies of written information provided the public. [There will be no] **The agency will not charge for copying records for other state agencies, court orders, or prosecuting attorneys.**

(d) Costs for providing **paper copies from any format** are as follows:

(1) **TYC may charge for copies at a rate of \$.10 per page.**

(2) **TYC may charge for labor at a rate of \$15.00 per hour prorated to 1/4 hour.**

(3) **For copying readily available information:**

(A) **There is no charge for the first 10 pages copied.**

(B) **A charge for labor will be added for more than 50 pages.**

(4) **For copying information not readily available (located in more than one building or in a remote storage facility):**

(A) **A charge for copies may be assessed.**

(B) **A charge for labor may be assessed.**

(5) **When labor charges are included, requester may request and in doing so will be provided by TYC staff a signed, written statement stating the amount of time required to produce the copy**

[(1) No charge for copying under ten pages.

[(2) Ten pages and up microfiche copies at \$.10 per page plus \$15./hour personnel charges prorated to 1/4 hour.

[(3) Ten pages and up microfilm copies at \$.17 per page plus \$15./hour personnel charges prorated to 1/4 hour.

[(4) Readily available records in paper format should be charged at \$.10 per page with no personnel time charged. Information not readily available should be charged at \$.10 per page plus \$15./hour personnel charges prorated to 1/4 hour.

[(5) Fax charges.]

(e) **Costs for providing fax copies are as follows:**

(1) [(A)] Local charges at \$.10 per page.

(2) [(B)] Long distance charges (same area code) at \$.50 per page.

(3) [(C)] Long distance charge (different area code) at \$1.00 per page.

(f) [(6)] **Cost for postage/shipping [charges] will also be charged [collected].**

(g) **TYC may not require a deposit or bond as a down payment for copies that the requester may request in the future.**

(h) **TYC will comply with requests for detailed information from the General Services Commission regarding procedures for charging and collecting fees for providing copies of public information.**

(i) [(7)] Payment must be made to TYC before records are released.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709653

Steve Robinson

Executive Director

Texas Youth Commission

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 424-6244

37 TAC §81.35

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Youth Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Youth Commission (TYC) proposes the repeal of §81.35, concerning involvement of victims. This section is being repealed to propose a new rule which reflects changes in law passed by the 75th Legislature.

Terry Graham, Director of Finance, has determined that for the first five-year period the repeal as proposed is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Graham also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be more efficient management by government. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar, P.O. Box 4260, Austin, Texas 78765.

The repeal is proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the accomplishment of its functions.

The proposed repeal implements the Human Resource Code, §61.034.

§81.35. *Involvement of Victims.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709654

Steve Robinson

Executive Director

Texas Youth Commission

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 424-6244

Chapter 85. Admission and Placement

Subchapter B. Placement Planning

37 TAC §85.61

The Texas Youth Commission (TYC) proposes an amendment to §85.61, concerning discharge. The amendments will allow for discharge of certain mentally ill and mentally retarded youth consistent with law passed by the 75th Legislature and allow for the discharge of certain youth placed on adult probation by the courts while under TYC jurisdiction.

Terry Graham, Director of Finance, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Graham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be greater use of State resources. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed. No private real property rights are affected by adoption of this rule.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar, P.O. Box 4260, Austin, Texas 78765.

The amendment is proposed under the Human Resources Code, §61.077, which provides the Texas Youth Commission with the authority to discharge children with mental illness or mental retardation and §61.075, which provides the Texas Youth Commission authority to discharge youth from TYC custody.

The proposed rule implements the Human Resource Code, §61.034.

§85.61. Discharge.

(a)-(c) (No change.)

(d) Discharge Criteria.

(1) Classification.

(A)-(C) (No change.)

(D) Youth [ever] classified as a type B violent offender, chronic serious offender, controlled substance dealer, or firearms offender **and never classified as type A violent or sentenced offender**, shall be discharged when one of the following occurs:

(i)-(ii) (No change.)

(E) General offenders and violators of CINS probation **and never classified as type A violent or sentenced offender**, shall be discharged when one of the following occurs:

(i)-(ii) (No change.)

(2) Special Circumstances.

(A) Youth of any classification except sentenced offenders shall be discharged under the following circumstances:

(i)-(ii) (No change.)

(iii) Commitment to Texas Department of Mental Health and Mental Retardation **when the minimum length of stay has been completed.**

(iv)-(vi) (No change.)

(vii) **Youth who have completed length of stay requirements and who are unable to progress in the agency's rehabilitation programs because of mental illness or mental retardation as specified in (GAP) §87.79 of this title (relating to Discharge of Mentally Ill and Mentally Retarded Youth).**

(B) (No change.)

(C) Youth of any classification except sentenced offender and type A violent offender shall be discharged under the following circumstances:

(i) Placement on adult probation while on parole:

(I) in a non-residential placement;[.] **or**

(II) **in a residential placement of medium (or less) restriction if the minimum length of stay has been completed.**

(ii)-(iii) (No change.)

(D) (No change.)

(e)-(g) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709655

Steve Robinson

Executive Director

Texas Youth Commission

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 424-6244



Part XI. Texas Juvenile Probation Commission

Chapter 343. Standards for Juvenile Pre-Adjudication Secure Detention Facility

37 TAC §343.1

The Texas Juvenile Probation Commission proposes an amendment to §343.1, of the Texas Juvenile Probation Standards concerning juvenile probation standards for juvenile boards and juvenile probation departments. The amendment is being proposed in an effort to clarify juvenile probation services.

Keith Rudeseal, Director of Special Projects, has determined that for the first five year period the standard is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the standard.

Mr. Rudeseal also has determined that for each year of the first five years the standard is in effect the public benefit anticipated

as a result of enforcing the standard will be improved juvenile probation services. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the standard as proposed.

Comments on the proposal may be submitted to Keith Rudeseal at the Texas Juvenile Probation Commission, P.O. Box 13547, Austin, Texas 78711.

The amendment is proposed under Texas Human Resource Code, §141.042, which provides the Texas Juvenile Probation Commission with the authority to adopt reasonable rules that provide minimum standards for juvenile boards that are necessary to provide adequate and effective probation services.

No other code or article is affected by the rule.

§343.1. *Definitions.*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Hold over detention facility-A secure area separate from an adult jail that is used for **the detention of a juvenile prior to the first detention hearing. Any holdover facilities located in the same building or grounds with an adult correctional facility, including those authorized by Section 51.12(i), Texas Family Code, shall comply with criteria set forth in the federal Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5601, et. seq.) and any subsequent amendments, rules, and interpretive commentary passed or promulgated thereto after the effective date of this standard.** [no longer than 48 hours to hold a juvenile prior to a detention hearing or transfer to another jurisdiction or agency.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709577

Lisa Capers

General Counsel

Texas Juvenile Probation Commission

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 424-6682

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

The Texas Department of Human Services (DHS) proposes amendments to §3.501, concerning household determination, and §3.1601, concerning Aid to Families with Dependent Children relationship/domicile requirements, in its Income Assistance Services chapter. The purpose of the amendments is to implement the domicile requirement for unmarried minor parents.

Terry Trimble, interim commissioner, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Trimble also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the state will be in compliance with state legislation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Kevin Brown at (512) 38-3084 in DHS's Client Self-Support Section. Written comments on the proposal may be submitted to Supervisor, Rules and Handbooks Unit-259, Texas Department of Human Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

Subchapter E. Household Determination

40 TAC §3.501

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public and financial assistance programs.

The amendment implements the Human Resources Code, §§22.001-22.030 and §§31.001-31.076.

§3.501. Household Determination.

(a) Aid to Families with Dependent Children. The following persons are included in an AFDC certified group:

(1)-(3) (No change.)

(4) Minor parent. DHS determines eligibility and benefits for minor parents according to the requirements stipulated in **§233.20(a)(3) of 45 Code of Federal Regulations [§233.20(a)(3)(xviii)] effective August 31, 1996, and Title I, §408 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.**

(5)-(6) (No change.)

(b) Aid to Families with Dependent Children. The following persons are not included in an AFDC certified group:

(1)-(2) (No change.)

(3) Disqualified persons.

(A) Persons are disqualified because they:

(i)-(v) (No change.)

(vi) fail to timely report a certified child's temporary absence; [or]

(vii) are fugitives fleeing to avoid prosecution of, or confinement for, a felony criminal conviction, or found by a court to be violating federal or state probation or parole; **or** [.]

(viii) **fail to comply with the unmarried minor parent domicile requirement.**

(B)-(C) (No change.)

(4)-(7) (No change.)

(c)-(d) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709640

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Proposed date of adoption: October 1, 1997

For further information, please call: (512) 438-3765



Subchapter P. Relationship/Domicile

40 TAC §3.1601

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public and financial assistance programs.

The amendment implements the Human Resources Code, §§22.001-22.030 and §§31.001-31.076.

§3.1601. Aid to Families with Dependent Children Relationship/Domicile Requirements.

Aid to Families with Dependent Children (AFDC) clients must meet relationship/domicile requirements stipulated in **§233.90(c)(1)**, 45 Code of Federal Regulations, **effective on August 31, 1996**, and **[§233.90(c)(1)(v) or,] the Social Security Act as amended by Title I [IV], Section 408 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996[or must]. The Texas Department of Human Services determines the best interest of unmarried teen parents based on special needs and concerns of the individual. AFDC children may also live with a first cousin once removed or a great-great-grandfather or grandmother.**

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709639

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Proposed date of adoption: October 1, 1997

For further information, please call: (512) 438-3765



Part XIX. Texas Department of Protective and Regulatory Services

Chapter 700. Child Protective Services

Subchapter Q. Purchased Protective Services

40 TAC §700.1733

The Texas Department of Protective and Regulatory Services (TDPRS) proposes an amendment to §700.1733, concerning

residential therapeutic care, in its Child Protective Services chapter. The purpose of the amendment is to allow the TDPRS executive director, in certain situations, to extend a child's eligibility for residential treatment up to an additional 12 months.

Cindy Brown, deputy director for finance, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$1,154,310 for fiscal year 1998; \$1,154,310 for fiscal year 1999; \$1,154,310 for fiscal year 2000; \$1,154,310 for fiscal year 2001; and \$1,154,310 for fiscal year 2002.

Ms. Brown also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that children with severe special needs will be more likely to have their treatment needs met. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Susan Klickman at (512) 438-3302 in TDPRS's Protective Services for Families and Children Department. Written comments on the proposal may be submitted to Supervisor, Rules and Handbooks Unit-253, Texas Department of Protective and Regulatory Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Texas Family Code, Title 5, Chapters 261 and 264, which authorizes the department to provide services to alleviate the effects of child abuse and neglect. In addition, the new sections are proposed under Public Law No. 96-272, Title I, which authorizes the department to administer foster-care and adoption assistance programs provided for under the Social Security Act, Title IV-E.

The amendment is also proposed under the Human Resources Code (HRC), Chapter 40, which describes the services authorized to be provided by the Texas Department of Protective and Regulatory Services; and authorizes the department to enter into agreements with federal, state, or other public or private agencies or individuals to accomplish the purposes of the programs authorized by the HRC; and grants authority to contract to the department.

The amendment implements the HRC, Chapter 40, which authorizes the department to enter into agreements with federal, state, or other public or private agencies or individuals to accomplish the purposes of the programs authorized by the HRC and which authorizes the department to enter into contracts as necessary to perform any of its powers or duties.

§700.1733. Residential Therapeutic Care.

(a)-(d) (No change.)

(e) **Extension of care for up to 12 additional months. The executive director of the Texas Department of Protective and Regulatory Services (TDPRS) may extend a child's eligibility for payment of residential treatment for up to an additional 12 months when all of the conditions in paragraphs (1)-(7) of this subsection are met:**

(1) the child is being treated in a specialized residential treatment facility whose standard course of treatment for the condition being treated is longer than 12 months and no more than 24 months;

(2) there is clear evidence in the most recent comprehensive psychological/psychiatric report that the child is in need of and requires treatment for a severe condition (such as reactive attachment disorder requiring a specialized treatment modality). Note: The psychological/psychiatric report(s) cited must be no older than 90 days;

(3) current treatment notes and reports clearly indicate the child is making significant progress despite the need for extensive treatment services;

(4) the treatment facility, the child's family, and the post adoption services provider expect the child to be able to return home at the end of the prescribed treatment, which is no more than 24 months after the initial placement;

(5) the child's family is actively participating in the child's treatment, is participating in family therapy, and is in compliance with the terms outlined in the residential treatment placement agreement and the plan of service;

(6) out-patient treatment is not available, and long term, out-of-home treatment is in the child's best interest; and

(7) adequate post adopt funds are available for the child's continued treatment.

(f)[(e)] Eligible facilities.

(1) Postadoptive residential therapeutic-care must be provided in a:

(A) foster family-home, foster group-home, or residential group-care facility that has been specifically licensed to provide therapeutic care as specified in §700.1322(c) of this title (relating to Types of Care);

(B) a therapeutic camp as specified in §700.1716(c) of this title (relating to Camping);

(C) a residential group-care facility functioning as a residential treatment center as defined in:

(i) §700.1321(c) of this title (relating to Types of Licensed Caregivers); and

(ii) the Office of Child-Care Licensing's *Minimum Standards for Child-Placing Agencies*;

(D) a state-licensed or -certified treatment facility for drug or alcohol abuse; or

(E) a state-licensed or -certified hospital.

(2) The contractor must attempt to refer the child to the least restrictive setting appropriate to the child's needs. Before referring a child for residential therapeutic care, the contractor and the child's family must explore the possibility of meeting the child's needs with day treatment as defined in §700.1731 of this title (relating to Postadoptive Counseling).

(3) The regional director or the director's designee must authorize residential therapeutic care in advance.

(g)[(f)] Basis of payment. **TDPRS** [The Texas Department of Protective and Regulatory Services (TDPRS)] reimburses contractors for residential therapeutic care based on the child's billing level of care. The department's payments must not exceed the contractor's costs.

(h)[(g)] Minimum level of care.

(1) If the level of care of an adopted child in residential therapeutic care is reduced below 05 at the end of a level-of-care review, the contractor must immediately begin planning to:

(A) support the child's return to the adoptive home;

(B) refer the child and family to another facility that can meet the child's needs; or

(C) help the family find other ways to pay for the contractor's continuing care.

(2) The child's eligibility for TDPRS-paid residential therapeutic care ends 60 days after the effective date of the reduced level of care.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709729

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Proposed date of adoption: October 1, 1997

For further information, please call: (512) 438-3765



Chapter 710. Protective of Clients and Staff

The Texas Department of Protective and Regulatory Services (TDPRS) proposes amendments to §§710.1-710.3, 710.7, and 710.8, concerning purpose, application, definitions, adult protective services (APS) investigator, and responsibilities of the adult protective services (APS) investigator; completion of investigation; and proposes the repeal of §§710.81-710.87, concerning purpose, application, definitions, patient abuse and neglect defined, responsibilities of administrators, training in prevention of patient abuse and/or neglect, and notification of patients of abuse reporting procedures, in its Protection of Clients and Staff chapter. The purpose of the proposed amendments is to implement legislative changes related to investigations of abuse, neglect, and exploitation in facilities operated by the Texas Department of Mental Health and Mental Retardation (TDMHMR). The proposal implements a priority system for investigations conducted in TDMHMR facilities and related programs; modifies existing timeframes for the completion of investigations; and clarifies agency policy regarding the resolution of disagreements on investigation findings. The repeals are proposed because the 73rd Legislature transferred to the Texas Department of Health the responsibility for investigations in private psychiatric hospitals. TDPRS is also proposing to change the name of Subchapter A to "Abuse, Neglect, and Exploitation of Persons Served by TDMHMR Facilities and State-Operated

Community Services" and proposing the repeal of Subchapter C titled "Patient Abuse in Private Psychiatric Hospitals."

Cindy Brown, budget and analysis director, has determined that for the first five-year period the proposed sections will be in effect there will be minimal fiscal implications for state government for the first year the rules are in effect as a result of enforcing or administering the sections. The costs for automation changes will be absorbed through the fiscal year 1998 operating budget. There will be no fiscal impact for state government after the first year. There will be no impact on local government as a result of enforcing the sections.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased efficiency in investigations of abuse, neglect, and exploitation in facilities operated by Texas Department of Mental Health and Mental Retardation and state-operated community services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of the proposal may be directed to Marc Mullins at (512) 438-5505 in TDPRS's Adult Protective Services section. Written comments on the proposal may be submitted to Supervisor, Rules and Handbooks Unit-283, Texas Department of Protective and Regulatory Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

Subchapter A. Abuse, Neglect, and Exploitation of Persons Served by TDMHMR [TXMHMR] Facilities and State-Operated Community Services

40 TAC §§710.1–710.3, 710.7, 710.8

The amendments are proposed under the Human Resources Code, Title 2, Chapter 48, which provides the department with the right to investigate reports of abuse, exploitation, or neglect of an elderly or disabled person.

The amendments implement §1.06 of Acts 1991, 72nd Legislature, 1st Called Session, Chapter 15, as amended by Acts 1993, 73rd Legislature, Chapter 747, §1.

§710.1. Purpose.

The purpose of this subchapter is to define abuse, neglect, and exploitation of any person receiving services from a facility, **state-operated community services program**, [facility] contractor, or an agent of the Texas Department of Mental Health and Mental Retardation and to describe procedures for its report, investigation, and prevention.

§710.2. Application.

The provisions of this subchapter shall apply to all investigations conducted by the Texas Department of Protective and Regulatory Services in facilities of the Texas Department of Mental Health and Mental Retardation, including **state-operated community services programs**, [their community-based services,] contractors (other than community mental health and mental retardation centers and private psychiatric hospitals), and agents.

§710.3. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

[Office of Facility Investigations -The office located at the Texas Department of Protective and Regulatory Services which has administrative and policy development responsibilities for investigations of abuse, neglect, and exploitation conducted in Texas Department of Mental Health and Mental Retardation facilities.]

§710.7. Adult Protective Services (APS) Investigator.

(a)-(c) (No change.)

(d) Responsibilities.

(1) The APS investigator must fully investigate alleged incidents of abuse, neglect, or exploitation.

(A) **Investigations shall be initiated** [The APS investigator must begin an investigation] within 24 hours of **receipt of a report by the department**. **Initiation is defined as an interview with the alleged victim or an individual who has current knowledge of the safety and welfare of the alleged victim.** [receiving an allegation. An investigation begins when the investigator interviews either the person served, alleged perpetrator, or any collateral witness.]

(B) **Investigations shall be conducted in accordance with the following priority system:** [When an allegation involves sexual abuse or serious physical injury of a person served, the investigator must make a face-to-face contact with either the person served, alleged perpetrator, or a collateral witness within 24 hours.]

(i) **Priority I reports are those in which the alleged incident occurred seven calendar days or less prior to the date the report was received by the department. Face-to-face contact with the alleged victim is required within 24 hours of receipt of the report by the department.**

(ii) **Priority II reports are those in which the alleged incident occurred more than seven but less than 90 calendar days prior to the date the report was received by the department. Face-to-face contact with the alleged victim is required within two calendar days of receipt of the report by the department.**

(iii) **Priority III reports are those in which the alleged incident occurred 90 calendar days or more prior to the date of the report to the department. Face-to-face contact with the alleged victim is required within five calendar days of receipt of the report by the department.**

(C)-(I) (No change.)

(2)-(5) (No change.)

§710.8. Responsibilities of the Adult Protective Services (APS) Investigator; Completion of Investigation.

(a) The APS investigator shall complete **investigations within the following established timeframes:** [the investigation within 14 calendar days after receiving an allegation and submit a copy of the items listed in paragraphs (1)-(5) of this subsection to the head of the facility:]

(1) **Priority I and II investigations shall be completed within 14 calendar days of receipt of the report by the depart-**

ment. If the 14th day falls on a weekend or holiday, the report shall be completed by the next business day.

(2) Priority III investigations shall be completed within 21 calendar days of receipt of the report by the department. If the 21st day falls on a weekend or holiday, the report shall be completed by the next business day.

(b) Upon completion of an investigation, the APS investigator shall submit to the head of the facility a copy of the items listed in paragraphs (1)-(5) of this subsection:

(1) the investigative report, with any information that would reveal the identity of the reporter concealed including:

(A) a statement of the allegation(s);

(B) a summary of the investigation;

(C) an analysis of the evidence, including factual information related to what occurred, how the evidence was weighed, and what testimony was considered credible;

(D) the investigator's determination as to whether or not abuse, neglect, or exploitation occurred;

(E) recommendations resulting from the investigation;

(F) an opinion as to how the allegation(s) might be classified in accordance with 25 Texas Administrative Code Chapter 404, Subchapter A, §404.10, (relating to Disciplinary Action); and

(G) a determination as to how the incident should be classified in accordance with the Texas Family Code, §34.012, if the incident involves a minor;

(2) the physician's examination and treatment of abuse-related injuries (Texas Department of Mental Health and Mental Retardation (TDMHMR) Client Injury/Incident Report);

(3) photographs relevant to the investigation, including photographs depicting the existence of injuries (taken within 24 hours after the report of the allegation) or the non-existence of injuries, when appropriate;

(4) all witness statements and supporting documents; and

(5) a "Client Abuse/Neglect Report" (AN-1-A) reflecting the finding of the investigation, classification of the incident, and the alleged source of the abuse, neglect, or exploitation.

(c)[(b)] If the incident involved sexual exploitation of a person served by a mental health services provider as defined in the Texas Civil Practices and Remedies Code, Chapter 81, the name of the reporter shall not be concealed in the report provided to the head of the facility.

(d)[(c)] If additional time is required to complete the investigation, the APS investigator may request an extension by submitting an Extension Request form to the local supervisor. Extensions in increments of 14 calendar days may be authorized by the local supervisor. The head of the facility will be notified of extensions as they are granted.

(e)[(d)] If the head of the facility or designee disagrees with the finding of the investigation, the head of the facility may, within 14 calendar days after receiving the investigative report, request in writing a review of the finding by filing the Request for Review of Finding form with the Deputy Director of Adult Protective Services,

Texas Department of Protective and Regulatory Services, P.O. Box 149030, E-561, Austin, Texas, 78714-9030. The review will be completed by Adult Protective Services within 14 calendar days. **In no instance may a confirmed finding by the department be changed by the head of a facility.**

(1) If the head of a facility disagrees with the department's review, the head of the facility may appeal the finding to the direct of mental health or the director of mental retardation at the Texas Department of Mental Health and Mental Retardation, as appropriate.

(2) If the director of mental health or the director of mental retardation disagrees with the department's findings, the director sends the result to the commissioner of the Texas Department of Mental Health and Mental Retardation and the executive director of the department for a final decision.

(f)[(e)] In cases of abuse, neglect, or exploitation previously reported to a law enforcement agency, the APS investigator will submit a copy of the investigative report to the appropriate law enforcement agency.

(g)[(f)] In cases of abuse, neglect, or exploitation involving a physician, dentist, registered nurse, or licensed vocational nurse, the APS investigator will forward a copy of the completed investigative report to Texas Department of Protective and Regulatory Services' **State Office of Adult Protective Services** [Office of Facility Investigations in state office]. The reports will then be forwarded to the licensing authority for the discipline under review, as required by law.

(h)[(g)] The investigator will notify the reporter in writing of the outcome of the investigation, whether the head of the facility concurs with the finding, and the method of [or] appealing either the outcome of the Texas Department of Protective and Regulatory Services' (TDPRS's) investigation or the determination of the head of the facility, if different from the TDPRS outcome.

(i)[(h)] Upon request, APS investigators will attend TDMHMR grievance hearings and provide consultation to review authorities related to investigations they have conducted.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709728

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Proposed date of adoption: October 1, 1997

For further information, please call: (512) 438-3765

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Subchapter C. Patient Abuse in Private Psychiatric Hospitals

40 TAC §710.81-710.87

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Protective Services or in the Texas Register

office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, Chapter 48, which provides the department with the right to investigate reports of abuse, exploitation, or neglect of an elderly or disabled person.

The repeals implement §1.06 of Acts 1991, 72nd Legislature, 1st Called Session, Chapter 15, as amended by Acts 1993, 73rd Legislature, Chapter 747, §1.

§710.81. *Purpose.*

§710.82. *Application.*

§710.83. *Definitions.*

§710.84. *Patient Abuse and Neglect Defined.*

§710.85. *Responsibilities of Administrators.*

§710.86. *Training in Prevention of Patient Abuse and/or Neglect.*

§710.87. *Notification of Patients of Abuse Reporting Procedures.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709727

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Proposed date of adoption: October 1, 1997

For further information, please call: (512) 438-3765



Chapter 720. Twenty-four Hour Care Licensing

Subchapter A. Standards for Child-Placing Agencies

40 TAC §720.33, §720.47

The Texas Department of Protective and Regulatory Services (TDPRS) proposes amendments to §720.33 and §720.47, concerning client records and foster care study, in its 24-Hour Care Licensing rule chapter. The purpose of the amendments is to include standards that require the sharing of information between agencies when an agency home moves from one child-placing agency to another and to require agencies to maintain such information for at least five years. The amendments implement legislation passed in the 75th Legislative Session that requires agencies to obtain background information about previously verified foster families from the former agency. The legislation requires the former agency to provide the information and provides immunity from civil and criminal liability for the release of the information.

Cindy Brown, budget and analysis director, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated

as a result of enforcing the sections will be reduction of risk to the health, safety, and well-being of children placed in foster homes. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of the proposal may be directed to Joanna Taylor at (512) 438-3259 in TDPRS's Licensing Division. Written comments on the proposal may be submitted to Joanna Taylor, Mail Code E-550, Texas Department of Protective and Regulatory Services, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resource Code (HRC), Chapters 40 and 42, which describes the department's regulatory and rulemaking authority.

The amendments implement HRC, Chapters 40 and 42.

§720.33. *Client Records.*

The child-placing agency must:

(1)-(7) (No change.)

(8) **maintain agency home records for at least five years after an agency home is closed.**

§720.47. *Foster Care Study.*

(a)-(d) (No change.)

(e) **An agency studying a foster home must request information from the foster home applicant about any previous verification of the foster home by another child-placing agency. If a foster family has been verified by another agency in the past or is currently verified by another agency and seeking to move to a new agency, the agency studying the foster home applicant must request background information about the applicant from any child-placing agency that has previously verified the home. The background information must include:**

(1) **the home study under which the agency home was verified by a previous child-placing agency; and**

(2) **any record of noncompliance with minimum standards under the previous child-placing agency and the resolution of any such noncompliance.**

(f) **An agency studying a foster home previously verified by another child-placing agency must evaluate the information from the previous agency as part of the new foster care study and for making placement decisions.**

(g) **An agency that has verified an agency home is required to release background information about the home to another agency requesting the information for the purposes of conducting a foster home study. The background information must include:**

(1) **the home study under which the agency verified the agency home; and**

(2) **records of any noncompliance with minimum standards by the agency home and the resolution of any such noncompliance.**

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709726

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 438-3765



Chapter 725. General Licensing Procedures

The Texas Department of Protective and Regulatory Services (TDPRS) proposes new §§725.1001, 725.1407, 725.1805-725.1807, and 725.2047, concerning definitions, programs not subject to regulation as day care, required affidavit for applicants for employment with a child-care facility or registered family home, minimum training for employees of regulated child-care facilities, parental visitation, and regulations for listed homes; and proposes amendments to §§725.1403, 725.1405, 725.1407, 725.1801, 725.2008, 725.2012, and 725.2046, concerning facilities exempt from licensing, facilities not subject to regulation requesting regulation, criminal history check, application received after revocation or denial of license, issuance of provisional license, and regulations for registered family homes, in its General Licensing Procedures chapter. TDPRS is also proposing new Subchapter A, Definitions. The purpose of the new sections and amendments is to implement new requirements enacted by the 75th Legislature concerning TDPRS's child-care regulation function. These include listing of family homes caring for three or fewer children, checking for criminal history and central registry matches on employees of regulated child-care facilities and family homes, and providing for parental visits in all areas of licensed child-care facilities. Certain licensing actions available for use with licensed and certified facilities are made applicable to registered and listed family homes.

Cindy Brown, Budget and Analysis Director, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections, other than those required by the underlying legislation.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that children will be better protected by the regulations requiring listing and checking for criminal history and central registry matches. Also, the department will be able to apply sanctions for violations of standards including the use of revocation for criminal background and abuse/neglect background.

The costs for small businesses will be the same costs for persons who must comply with the change. There is an anticipated economic cost to persons who are required to comply with the proposed sections. The department will charge a fee of \$20 for persons who must comply with the changes. It is estimated that the listed home will incur an additional \$10 cost

in preparing for the listing, including submitting names to the department for criminal and central registry background checks.

Questions about the content of the proposal may be directed to Mary Panella at (512) 438-3246 in TDPRS's Licensing Division. Written comments on the proposal may be submitted to Supervisor, Rules and Handbooks Unit-270, Texas Department of Protective and Regulatory Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

Subchapter A. Definitions

40 TAC §725.1001

The new section is proposed under the Human Resources Code, Title 2, Chapter 42, which authorizes the department to administer general child-placing and child care licensing programs.

The new section implements the Human Resources Code §§42.001-42.077.

§725.1001. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Agency foster group home - A facility that provides care for seven to 12 children for 24 hours a day, is used only by a licensed child-placing agency, and meets department standards.

Agency foster home - A facility that provides care for not more than six children for 24 hours a day, is used only by a licensed child-placing agency, and meets the department standards.

Child - A person under 18 years of age.

Child-care facility - A facility licensed, certified, or registered by the department to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Child-care institution - A child-care facility that provides care for more than 12 children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

Child-placing agency - A person, including an organization, other than the natural parents or guardian of a child, who plans for the placement of or places a child in a child-care facility, agency foster home, agency foster group home, or adoptive home.

Children who are related to the caretaker - Children who are the children, grandchildren, siblings, great-grandchildren, nieces, nephews, or first cousins of the caretaker, whether by affinity or consanguinity or as a result of a relationship created by court decree.

Compensation - Anything of value received in exchange for the care of the child.

Day-care center - A child-care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

Department - The Texas Department of Protective and Regulatory Services.

Division - The division designated by the department to carry out the provisions of this chapter.

Facilities - Child-care facilities and child placing agencies.

Family home - A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Foster group home - A child-care facility that provides care for seven to 12 children for 24 hours a day.

Foster home - A child-care facility that provides care for not more than six children for 24 hours a day.

Group day-care home - A child-care facility that provides care for seven to 12 children under 14 years of age for less than 24 hours a day.

Listed home - A family home that provides care for compensation, for three or fewer children who are unrelated to the caretaker, for at least four hours a day, three or more days a week, for more than nine consecutive weeks in the caretaker's own residence.

Regular care - Care that is provided at least four hours a day, three or more days a week, for more than nine consecutive weeks.

Religious organization - A church, synagogue, or other religious institution whose purpose is to support and serve the propagation of truly held religious beliefs.

State of Texas or state - Does not include political subdivisions of the state.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709725

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 438-3765



Subchapter O. Exemptions from Licensing

40 TAC §§725.1403, 725.1405, 725.1407

The amendments are proposed under the Human Resources Code, Title 2, Chapter 42, which authorizes the department to administer general child-placing and child care licensing programs.

The amendments implement the Human Resources Code §§42.001-42.077.

§725.1403. *Facilities Exempt from Licensing.*

The types of child care facilities or arrangements that are exempt from licensing are:

(1) (No change.)

(2) an agency **foster** home or agency **foster** group home certified by a child-placing agency as meeting minimum standards;

(3)-(6) (No change.)

(7) **a facility licensed, operated, certified, or registered by another state agency.** [A hospital licensed by the Texas Department of Mental Health and Mental Retardation or the Texas Department of Health. This includes facilities which are subject to certification under standards for Intermediate Care Services in Facilities for Mentally Retarded, and nursing and maternity homes licensed by the Texas Department of Health to provide care for minors.] This exemption does not include day care facilities operated by or on the premises of these hospitals. Licensure by another state agency to provide medical or maternity care does not exempt a facility from the need to be licensed/certified as a child-placing agency if child-placing activities are carried out;

(8) an educational facility accredited by the Texas Education Agency or by the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above, **an after-school program operated directly by an accredited educational facility, or an after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency or Southern Association of Colleges and Schools has approved the curriculum content of the after-school program operated under the contract;**

(9)-(10) (No change.)

(11) a [registered] family home **whether** registered **or listed** or not. Registration **and listing** are [is a] regulatory procedures [procedure] different from licensing;

(12)-(13) (No change.)

(14) **an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility, both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children ages five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;**

(15) **an emergency shelter facility providing shelter to minor mothers who are the sole support of their natural children under the Texas Family Code, §32.201, unless the facility would otherwise require a license as a child-care facility under this section;**

(16) **a juvenile detention facility certified under the Texas Family Code, §51.12 or §141.042(d), a juvenile facility providing services solely for the Texas Youth Commission, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;**

(17) **an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing**

the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility; and

(18) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least ten years by a non-profit organization that provides care for the homeless.

§725.1405. *Facilities Not Subject to Regulation Requesting Regulation.*

(a) A facility exempt from the provisions of the Human Resources Code, §42.041(a) that desires to receive or participate in federal or state funding shall be required to comply with all other provisions of the Human Resources Code, Chapter 42, and with all regulations required by the Human Resources Code, Chapter 42. [If a facility that is exempt from licensing requests a statement that the facility is meeting applicable minimum standards to receive funding, then the governing body of that facility must send a written request for standards compliance evaluation to the department and go through an abbreviated investigation.]

(b) A listed family home that provides care for three or fewer children, excluding the caretaker's own children, may request registration. A family home that requests registration is regulated under the same provisions of the law, rules, and standards that apply to a home that must be regulated.

§725.1407. *Programs Not Subject to Regulation as Day Care.*

(a) A facility is not considered to be day care and is not subject to regulation as day care if [any one of the following criteria is met:]

[(1)] [The facility operates no longer than five weeks per year.]

[(2)] [The] **the** attendees are free to come and go at will without regard to the presence of a parent or other responsible adult to care for them.

(b) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709731

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 438-3765



Subchapter S. Administrative Procedures

40 TAC §§725.1801, 725.1805-725.1807

The amendment and new sections are proposed under the Human Resources Code, Title 2, Chapter 42, which authorizes the department to administer general child-placing and child care licensing programs.

The amendment and new sections implement the Human Resources Code §§42.001-42.077.

§725.1801. *Criminal History Check.*

(a) **Applicants to operate a child-care facility or family home, and operators after receiving a license, listing, registration, or certification of approval, at least once during each 24 months,** [Regulated facilities, applicants, and persons requesting registration] must send the department required identifying information about:

(1) (No change.)

(2) **each person 14 years of age or older who will regularly or frequently be staying or working at the facility or home while children are being provided care, but who are not employees or clients** [adults who live at the facility but who are not employees or clients];

(3) regular volunteers who are counted in the staff-child ratio; [and]

(4) applicants for a license, registration, **listing**, or certificate; and

(5) **director, owner, or operator of the facility or home.**

(b) Identifying information about board members of corporations or associations is not required, unless they are also staff or regular volunteers **or will regularly or frequently be at the facility.**

(c)-(e) (No change.)

(f) If the department obtains information from any law enforcement agency **or its Central Registry** indicating that a person at a facility has a relevant criminal history, licensing staff will inform the governing body or administrator. The facility must take appropriate action as a result of this information.

(g) Information about criminal history records **and Central Registry records** that the department receives are privileged information for exclusive use by the department and people authorized to receive the records. Licensing staff must share the criminal history record **or Central Registry record** with the facility within ten workdays after receiving the record. Except on court order or with the consent of the person being investigated, the records may not be released to any other person or agency.

(h) **An application for a license, certification, registration, or listing may be denied or a license, certification, registration, or listing may be revoked based on the results of a central registry or criminal history check. The department shall deny an application or renewal for listing or registering a family home or shall revoke a family home's listing or registration if the results of the background or criminal history check conducted by the department show that a person has been convicted of an offense under Title 5 or 6 of the Penal Code, or Chapter 43, Penal Code.**

(i) **A child-care facility or registered family home is required to pay to the department a fee not to exceed the administrative costs the department incurs in conducting background and criminal history checks under this section.**

§725.1805. *Required Affidavit for Applicants for Employment with a Child-care Facility or Registered Family Home.*

(a) Applicants for employment with a child-care facility or registered family home whose employment or potential employment

with the facility or registered family home involves the opportunity for or the direct interaction with children must execute and submit the following affidavit with the application for employment:
Figure 1: 40 TAC §725.1805(a)

(b) The failure or refusal of the applicant to sign or provide the affidavit constitutes good cause for refusal to hire the applicant.

§725.1806. Minimum Training for Employees of Regulated Child-care Facilities.

(a) The department has prescribed minimum training requirements and time frames for an employee of a regulated child-care facility in the rules applicable to the specific type of facility. In addition, all facilities must provide this training in accordance with subsections (b)-(d) of this section.

(b) An employee is not required to repeat required training if the employee has completed the training within the time frames prescribed by the department rule.

(c) A copy of the rules regarding minimum training is available at the department's local office locations, as is information enabling the owner or operator of a regulated facility to apply for training funds from other agencies to lower facility costs, and any other materials the department may develop to assist the owner or operator or other entity in providing the training.

(d) A licensed facility shall provide training for staff members in the:

(1) recognition of symptoms of child abuse, neglect, and sexual molestation and the responsibility and procedure of reporting suspected occurrences of child abuse, neglect, and sexual molestation to the department or other appropriate entity;

(2) application of first aid; and

(3) prevention and spread of communicable diseases.

§725.1807. Parental Visitation.

All areas of a licensed facility must be accessible to a parent of a child who is receiving care at the facility if the parent visits the child during the facility's hours of operation.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709730

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 438-3765



Subchapter U. Day Care Licensing Standards

40 TAC §§725.2008, 725.2012, 725.2046, 725.2047

The amendments and new section are proposed under the Human Resources Code, Title 2, Chapter 42, which authorizes the department to administer general child-placing and child care licensing programs.

The amendments and new section implement the Human Resources Code §§42.001-42.077.

§725.2008. Application Received after Revocation or Denial of License.

(a) (No change.)

(b) A person whose license, [or] certification, **registration, or listing** is revoked may not apply for any license, [or] certification, registration, or listing under this chapter before the second anniversary of the date on which the revocation by TDPRS or court order takes effect. The cost of reimbursing TDPRS for publishing the notice of revocation, as required by the Human Resources Code, Chapter 42, §42.077, must be added to the application fee at the time the facility reapplies.

§725.2012. Issuance of Provisional License.

(a) (No change.)

(b) **A provisional license is valid for six months from the date it is issued and may be renewed for an additional six months.**

[(b) A provisional license is issued to a previously unlicensed facility after a licensing investigation determines compliance with the law and minimum standards.]

[(c) If a facility does not provide care for children during the provisional licensing period, or begins operation so late in this period that continuing compliance cannot be determined, the department allows the provisional license to expire without issuance of a nonexpiring license. Application for new provisional license must be submitted.]

(c)[(d)] When transfer of ownership does not result in change of policy and procedures or staff who have direct contact with the children, or a change of location does not result in a change in the type of child care service offered, a nonexpiring license is issued. This license may be issued upon presentation of documentation specified in subsection (a)(3) of this section.

(d)[(e)] No licenses are issued if applicable fees have not been paid. The provisional license fee may be refunded if the department does not issue a license.

§725.2046. Regulations for Registered [Regulation of] Family Homes.

(a)-(d) (No change.)

(e) **Any** [A registered family home caregiver using any] public advertisement for a registered family home which uses the term "registered family home" **must contain a provision in bold type stating: THIS HOME IS REGISTERED WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES BUT IS NOT LICENSED OR REGULARLY INSPECTED.**" [may substitute the following provision (in bold type) in place of the provision specified in Human Resources Code, Chapter 42, Regulation of Child-Care Facilities: "THIS HOME IS REGISTERED WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES."]

§725.2047. Regulations for Listed Homes.

(a) A family home that provides care for compensation for three or fewer children, excluding children who are related to the caretaker, shall list with the department if the home provides regular

care in the caretaker's own residence. The home may register with the department. The home must meet the definition of family home specified in Subchapter A of this chapter (relating to Definitions). A listed home may not have more than 12 children at any given time if any of the children are unrelated to the caretaker and are in care for compensation.

(b) The person operating the listed home must provide the department with consent forms to allow the department to obtain law enforcement criminal history background match and Central Registry match information from each person:

(1) employed at the listed home; and

(2) 14 years of age and older who will regularly or frequently be staying or working at the home while children are in care.

(c) A family home may not place a public advertisement that uses the title "listed family home" or any variation of that phrase unless the home is listed as provided by this chapter. Any public advertisement for a listed family home that uses the title "listed family home" must contain a provision in bold title stating: **"THIS HOME IS A LISTED FAMILY HOME. IT IS NOT LICENSED OR REGISTERED WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES. IT HAS NOT BEEN INSPECTED AND WILL NOT BE INSPECTED."**

(d) The department shall charge each family home that is listed with the department an annual fee to cover a part of the department's cost of regulating. The fee for listing is \$20. The fee is due on the date on which the department initially lists the home and on the anniversary of that date.

(e) The department may suspend, deny, revoke, or refuse to renew the listing of a family home that does not comply with the requirements of this chapter, the standards, and the rules of the department, or the specific terms of the listing. The department may

revoke the probation of a person whose listing is suspended if the person violates the conditions of the probation.

(f) The department shall suspend a family home's listing and order the immediate closing of the family home if violations or conditions create an immediate threat to the health and safety of the children attending or residing in the family home.

(g) A person who operates a family home without a required listing commits a Class B misdemeanor as prescribed by the Human Resources Code, §42.076.

(h) A person who places a public advertisement for an unlisted family home commits a Class C misdemeanor as prescribed by the Human Resources Code, §42.076.

(i) A family home that has its listing revoked or suspended shall mail notification of this action by certified mail to the parents or guardian of the child served by the family home. The family home shall mail the notification within five days of the effective date of the revocation or suspension of the listing.

(j) A family home will have until January 1, 1998, to come into compliance with this section.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709732

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Earliest possible date of adoption: September 4, 1997

For further information, please call: (512) 438-3765

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ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the ***Texas Register***. The section becomes effective 20 days after the agency files the correct document with the ***Texas Register***, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 14. Agricultural Protective Act

4 TAC §§14.1–14.4

The Texas Department of Agriculture (the department) adopts the repeal of §§14.1-14.4, concerning the Agricultural Protective Act (the Act), without changes to the proposed text as published in the May 6, 1997, issue of the *Texas Register* (22 TexReg 3975). The sections are adopted without changes and will not be republished.

The sections are repealed in order to allow for the adoption of new sections to clarify existing language in the current regulations, provide additional information to persons in the produce industry regarding procedures to follow in complying with the regulations, provide operating procedures for the Board, and establish procedures for the conduct and determination of Board decisions so that hearings and other proceedings before the Board may be conducted in a uniform and efficient manner.

The repeal deletes existing sections relating to definitions, citrus proof of ownership, fees and the expiration date for Chapter 14.

No comments were received regarding the repeal of the sections.

The repeal is adopted under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the efficient enforcement and administration of the Texas Agriculture Code, Chapters 101, 102, and 103, concerning the handling and marketing of Texas grown citrus fruit and vegetables, and the Produce Recovery Fund; §101.006 and §102.006, which authorize the department to establish license and registration fees; §101.010 and §102.010 which authorize the department to establish a fee for a buying or transporting agent card; §103.005, which authorizes the department to establish a fee for filing a claim with the Produce Recovery Fund program, and §103.011 which authorizes the department to establish fees to be paid by licensees to the Produce Recovery Fund.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24 1997.

TRD-9709631

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 13, 1997

Proposal publication date: May 6, 1997

For further information, please call: (512) 463-7583



Chapter 14. Vegetable and Citrus Fruit Handling and Marketing Program

The Texas Department of Agriculture (the department) adopts new §§14.1-14.5, concerning handling and marketing of vegetables, and citrus fruit; §§14.10-14.14, concerning Produce Recovery Fund (Fund) claims; and §§14.20-14.26, concerning the Fund Board, without changes to the proposed text as published in the May 6, 1997, issue of the *Texas Register* (22 TexReg 3975). The new sections are adopted without changes and will not be republished.

The new sections are adopted in order to establish procedures for licensing of persons, for filing of claims, and for the conducting of Board hearings under Chapters 101, 102, and 103 of the Texas Agriculture Code.

New sections 14.1-14.5 define words used in these sections, identify requirements for purchasing citrus fruit, set fees for a license, registration, identification card, fund, and claim filing, identify procedures for license cancellation, and establish an expiration date. New §§14.10-14.14 identify requirements for filing a claim against the Fund, clarify determinations on claims heard before the department, define procedures for filing notices of protest for appeal to the Board, set payment of claims made from the Fund, and clarify requirements for reimbursement to the Fund and the claimant. New §§14.20-14.26 define the operating procedures for the Board, clarify the duties of the Board and the department, sets procedures for setting, and conducting Board meetings, set procedures for conducting hearings before the Board, clarify determinations on claims heard before the Board, set procedures for motions for rehearing before the Board, and clarify procedures for appealing the Board's final determination.

No comments were received regarding the adoption of the new sections.

Subchapter A. General Provisions

4 TAC §§14.1–14.5

The new sections are adopted under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the administration of the Texas Agriculture Code, Chapters 101, 102, and 103, concerning the handling and marketing of Texas grown citrus fruit and vegetables, and the Produce Recovery Fund; §101.006 and §102.006, which authorize the department to establish license and registration fees; §101.010 and §102.010 which authorize the department to establish a fee for a buying or transporting agent card; §103.005, which authorizes the department to establish a fee for filing a claim with the Produce Recovery Fund program, and §103.011 which authorizes the department to establish fees to be paid by licensees to the Produce Recovery Fund.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24 1997.

TRD-9709632

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 13, 1997

Proposal publication date: May 6, 1997

For further information, please call: (512) 463–7583



Subchapter B. Produce Recovery Fund Claims

4 TAC §§14.10–14.14

The new sections are adopted under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the administration of the Texas Agriculture Code, Chapters 101, 102, and 103, concerning the handling and marketing of Texas grown citrus fruit and vegetables, and the Produce Recovery Fund; §101.006 and §102.006, which authorize the department to establish license and registration fees; §101.010 and §102.010 which authorize the department to establish a fee for a buying or transporting agent card; §103.005, which authorizes the department to establish a fee for filing a claim with the Produce Recovery Fund program, and §103.011 which authorizes the department to establish fees to be paid by licensees to the Produce Recovery Fund.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24 1997.

TRD-9709633

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 13, 1997

Proposal publication date: May 6, 1997

For further information, please call: (512) 463–7583



Subchapter C. Produce Recovery Fund Board

4 TAC §§14.20–14.26

The new sections are adopted under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the administration of the Texas Agriculture Code, Chapters 101, 102, and 103, concerning the handling and marketing of Texas grown citrus fruit and vegetables, and the Produce Recovery Fund; §101.006 and §102.006, which authorize the department to establish license and registration fees; §101.010 and §102.010 which authorize the department to establish a fee for a buying or transporting agent card; §103.005, which authorizes the department to establish a fee for filing a claim with the Produce Recovery Fund program, and §103.011 which authorizes the department to establish fees to be paid by licensees to the Produce Recovery Fund.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24 1997.

TRD-9709634

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 13, 1997

Proposal publication date: May 6, 1997

For further information, please call: (512) 463–7583



Chapter 19. Quarantines

4 TAC §19.111, §19.113

The Texas Department of Agriculture (the department) adopts an amendment to §19.111 and §19.113, concerning the European corn borer quarantine, without changes to the proposed text as published in the June 20, 1997, issue of the *Texas Register* (22 TexReg 6119). The amendment is adopted without changes and will not be republished.

The amendment to §19.111 is adopted to stop the artificial spread of the European corn borer and adds the counties of Bailey, Castro, Floyd, Hale, Lamb, Parmer, and Swisher to the list of quarantined areas. The amendment to §19.113 is adopted to provide an additional exception for quarantine certification to allow the movement of a quarantined article from a quarantined area into a European corn borer free area. The amendment adds, as an exception, a greenhouse or growing area where certain quarantined articles were produced and inspected and no European Corn Borer was found.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code (the Code), §71.002, which provides the Texas Department of Agriculture with the authority to establish quarantines against diseases and pests found within the state; and §71.007, which

authorizes the department to adopt rules necessary for the protection of agricultural and horticultural interests.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24 1997.

TRD-9709630

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 13, 1997

Proposal publication date: June 10, 1997

For further information, please call: (512) 463-7583



TITLE 22. EXAMINING BOARDS

Part XIX. Texas Polygraph Examiners Board

Chapter 391. Polygraph Examiner Internship

22 TAC §391.3

The Polygraph Examiners Board adopts amendments to §391.3 concerning the Polygraph Examiner Internship without changes to the proposed text as published in the February 18, 1997 issue of the *Texas Register* (22 TexReg 1784).

The board has determined that the rule on approved schools is outdated and refers the public to the Board office for current information. A definition clarify the commencement of the intern licensing period was added.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the Polygraph Examiners Act, Article 4413 (29cc), §6, which provides the board with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Polygraph Examiners Act, Article 4413 (29cc).

The amendment implements the Polygraph Examiners Act, Article 4413 (29cc).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709752

Frank Ditucci

Executive Officer

Texas Polygraph Examiners Board

Effective date: August 18, 1997

Proposal publication date: February 18, 1997

For further information, please call: (512) 424-2058



Chapter 393. General

22 TAC §393.7

The Polygraph Examiners Board adopts an amendment to § 393.7 Polygraph Examination without changes to the proposed text as published in the February 18, 1997 issue of the *Texas Register* (22 Tex Reg 1785).

The board has determined that the rule on the polygraph examination needs further clarification as to what constitutes an examination.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the Polygraph Examiners Act, Article 4413 (29cc), §6, which provides the board with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Polygraph Examiners Act, Article 4413 (29cc).

The amendment implements the Polygraph Examiners Act, Article 4413 (29cc).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709751

Frank Ditucci

Executive Officer

Texas Polygraph Examiners Board

Effective date: August 18, 1997

Proposal publication date: February 18, 1997

For further information, please call: (512) 424-2058



Chapter 395. Code of Operating Procedure for Polygraph Examiners

22 TAC §395.10

The Polygraph Examiners Board adopts amendments to § 395.10 concerning examination results without changes to the proposed text as published in the February 18, 1997 issue of the *Texas Register* (22 Tex Reg 1785).

The board has determined that the rule on opportunity to explain any questionable responses is outdated. The rule is being amended to included informing the examinee of the results of the test.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the Polygraph Examiners Act, Article 4413 (29cc), §6, which provides the board with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Polygraph Examiners Act, Article 4413 (29cc).

The amendment implements the Polygraph Examiners Act, Article 4413 (29cc).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709753

Frank Ditucci

Executive Officer

Texas Polygraph Examiners Board

Effective date: August 18, 1997

Proposal publication date: February 18, 1997

For further information, please call: (512) 424-2058

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part XIX. Texas Department of Protective and Regulatory Services

Chapter 700. Child Protective Services

Subchapter P. Preparation for Adult Living

40 TAC §§700.1601-700.1603

The Texas Department of Protective and Regulatory Services (TDPRS) adopts amendments to §§700.1601-700.1603, in its Child Protective Services chapter. The amendment to §700.1602 is adopted with changes to the proposed text as published in the May 27, 1997, issue of the *Texas Register* (22 TexReg 4567). The amendments to §§700.1601 and 700.1603 are adopted without changes to the proposed text and will not be republished.

The justification for the amendments is to clarify which youth in foster care are required to receive Preparation for Adult Living (PAL) services; to modify the timing for conducting pre and post life skills assessments; to broaden the qualifications for youth to receive financial independent living assistance; to add a category of payment for the transitional living allowance to better meet the needs of all youth; and to eliminate the requirement to test each PAL participant in each core training skill area before and after training.

The amendments will function by providing updated best practice standards and PAL services that better meet the individual needs of all youth.

No comments were received regarding adoption of the amendments. The department, however, has added the phrase "other than Job Corps or a branch of the United States armed forces" to §700.1602(e)(2) for clarification.

The amendments are adopted under the Texas Family Code, Title 5, Chapters 261 and 264, which authorizes the department to provide services to alleviate the effects of child abuse and neglect.

The amendments are also adopted under the Human Resources Code (HRC), Chapter 40, which describes the services authorized to be provided by the Texas Department of Protective and Regulatory Services; and authorizes the department

to enter into agreements with federal, state, or other public or private agencies or individuals to accomplish the purposes of the programs authorized by the HRC; and grants authority to contract to that Department.

The amendments implement the HRC, Title 2, Subtitle D, Chapter 40, and the Texas Family Code, Chapter 261.

§700.1602. Transitional Living Allowance.

(a) (No change.)

(b) To qualify for a PAL allowance, a youth must:

(1) (No change.)

(2) have been in TDPRS or Medicaid-paid substitute care within the previous 12 months;

(3) have made a planned move into an independent-living arrangement, or a supervised or semi-supervised living arrangement;

(4) have attended training in five of the six core areas specified in §700.1601(b) of this title (relating to Required Services), including the money-management core area, with few absences and active participation;

(5) be employed or actively seeking employment (for those youth who are able to work), in school, or receiving vocational or technical training; and

(6) provide all information required by regional TDPRS staff.

(c) TDPRS's Protective Services for Families and Children (PSFC) department pays the PAL allowance as a component of the participant's money-management training. PSFC staff or the contractor must deliver the allowance to the participant in person unless the participant lives outside Texas or has a designated payee.

(d) (No change.)

(e) The monthly payment of the PAL allowance cannot exceed \$350. The total amount paid cannot exceed the following maximums:

(1) (No change.)

(2) \$800 total for a participant who is attending a college, school, or vocational or technical training institute (other than Job Corps or a branch of the United States armed forces);

(3) \$800 total for a participant who is moving into a living situation that requires the youth to pay rent. The amount of the participant's rent must be evidenced by a written agreement between the participant and the landlord; or

(4) \$300 total for the purchase of independent living needs, such as adaptive equipment or living devices, for a participant who may be remaining in a supervised or semi-supervised living arrangement in which room and board expenses are funded from another source. Note: Any youth fitting more than one of the categories specified in paragraphs (1)-(4) of this subsection is eligible for the maximum payment in the highest category for which the youth is eligible.

(f) Whether the allowance is drawn from Title IV-B or Title IV-E funds, PSFC must pay out the entire allowance by the last day of the PAL participant's 20th year.

(g) PSFC must suspend the PAL allowance if the participant:

(1) returns to live with his or her biological, adoptive, or stepparents or the alleged perpetrator;

(2) (No change.)

(3) is not employed or actively seeking employment (for those youth who are able to work), in school, or receiving vocational or technical training; or

(4) (No change.)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709733

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Effective date: September 1, 1997

Proposal publication date: May 27, 1997

For further information, please call: (512) 438-3765



Chapter 720. Twenty-four Hour Care Licensing

Subchapter A. Standards for Child-Placing Agencies

40 TAC §720.52

The Texas Department of Protective and Regulatory Services (TDPRS) adopts an amendment to §720.52, without changes to the proposed text as published in the June 13, 1997, issue of the *Texas Register* (22 TexReg 5744). The text will not be republished.

The justification for the amendment is to include a standard requiring that the agency exercise "due diligence" in locating absent parents. This term is recognized by the courts as described in the Family Code, Chapter 102.003(8) and Civil Procedures, Rule 109. The amendment will provide that if contact with both birth parents cannot be made, the agency will document the due diligence efforts made to locate the absent parent.

The amendment will function by ensuring that birth parents will be fully informed of their legal rights and all possible efforts will be taken to contact any absent parent.

During the public comment period TDPRS received no comments.

The amendment is adopted under the Human Resource Code (HRC), Chapters 40 and 42, which describe the department's regulatory and rulemaking authority.

The amendment implements HRC, Chapters 40 and 42.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709734

C. Ed Davis

Deputy Director, Legal Services

Texas Department of Protective and Regulatory Services

Effective date: August 14, 1997

Proposal publication date: June 13, 1997

For further information, please call: (512) 438-3765



TABLES & GRAPHICS

Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on. Multiple graphics in a rule are designated as “Figure 1” followed by the TAC citation, “Figure 2” followed by the TAC citation.

Figure 3: 31 TAC 371.19(a)(10)

Secondary Chemical Constituents

CONSTITUENT	LEVEL (mg/l except where otherwise stated)	SECONDARY CHEMICAL FACTOR
Aluminum	0.05 to 0.2	Yes
Chloride	300	No
Color	15 color units	No
Copper	1.0	No
Corrosivity	Non-corrosive	No
Fluoride	2.0	No
Foaming agents	0.5	No
Hydrogen sulfide	0.05	No
Iron	0.3	No
Manganese	0.05	No
Odor	3 Threshold Odor Number	No
pH	≥ 7.0 pH units	No
Silver	0.10	No
Sulfate	300	Yes
Total Dissolved Solids	1,000	Yes
Zinc	5.0	No

Texas Water Development Board
Figure 8: 31 TAC 371.19(h)(1)(D)

Organic Chemical Contaminants

CONTAMINANT	CONTAMINANT
2,4,5-TP	Lindane
2,4-D	Methoxychlor
Acrylamide	Monochlorobenzene
Alachlor	Oxamyl (vydate)
Aldicarb	PAHs[Benzo(a)pyrene]
Aldicarb sulfone	PCBs
Aldicarb sulfoxide	Pentachlorophenol
Atrazine	Picloram
Benzene	Simazine
Carbofuran	Styrene
Carbon tetrachloride	TCDD-2,3,7,8 (Dioxin)
Chlordane	Tetrachloroethylene
Cyanide	Toluene
DBCP	Toxaphene
Dalapon	Trichlorobenzene 1,2,4-
Di(ethylhexyl)adipate	Trichloroethane 1,1,1-
Di(ethylhexyl)phthalate	Trichloroethane 1,1,2-
Dichlorobenzene ortho-	Trichloroethylene
Dichlorobenzene para-	Vinyl chloride
Dichloroethane 1,2-	Xylene
Dichloroethylene 1,1-	
Dichloroethylene cis-1,2-	
Dichloroethylene tran-1,2	
Dichloromethane	
Dichloropropane 1,2-	
Dinoseb	
Diquat	
EDB	
Endothall	
Endrin	
Epichlorohydrin	
Ethylbenzene	
Glyphosate	
Heptachlor	
Heptachlor epoxide	
Hexachlorobenzene	
Hexachlorocyclopentadiene	

Organic Chemical Contaminants

CONTAMINANT	CONTAMINANT
2,4,5-TP	Lindane
2,4-D	Methoxychlor
Acrylamide	Monochlorobenzene
Alachlor	Oxamyl (vydate)
Aldicarb	PAHs[Benzo(a)pyrene]
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Carbofuran	Styrene
Carbon tetrachloride	TCDD-2,3,7,8 (Dioxin)
Chlordane	Tetrachloroethylene
Cyanide	Toluene
DBCP	Toxaphene
Dalapon	Trichlorobenzene 1,2,4-
Di(ethylhexyl)adipate	Trichloroethane 1,1,1-
Di(ethylhexyl)phthalate	Trichloroethane 1,1,2-
Dichlorobenzene ortho-	Trichloroethylene
Dichlorobenzene para-	Vinyl chloride
Dichloroethane 1,2-	Xylene
Dichloroethylene 1,1-	
Dichloroethylene cis-1,2-	
Dichloroethylene tran-1,2	
Dichloromethane	
Dichloropropane 1,2-	
Dinoseb	
Diquat	
EDB	
Endothall	
Endrin	
Epichlorohydrin	
Ethylbenzene	
Glyphosate	
Heptachlor	
Heptachlor epoxide	
Hexachlorobenzene	
Hexachlorocyclopentadiene	

STATE OF _____

COUNTY OF _____

I swear or affirm under penalty of perjury that I do not now and I have not at any time, either as an adult or as a juvenile been convicted of; pleaded guilty to (whether or not resulting in a conviction); pleaded nolo contendere or no contest to; admitted; had any judgement or order rendered against me (whether by default or otherwise); entered into any settlement of an action or claim of; had any license, certification, employment, or volunteer position suspended, revoked, terminated, or adversely affected because of; been diagnosed as having or have been treated for any mental or emotional condition arising from; resigned under threat of termination of employment or volunteerism for; had a report of child abuse or neglect made and substantiated against me for; or have any pending criminal charges against me in this or any other jurisdiction for any conduct, matter, or thing (irrespective of formal name thereof) constituting or involving (whether under criminal or civil law of any jurisdiction): any felony; rape or other sexual assault; physical, sexual, emotional abuse and/or neglect of a minor; incest; exploitation, including sexual, of a minor; sexual misconduct with a minor; molestation of a child; lewdness or indecent exposure; lewd and lascivious behavior; obscene or pornographic literature, photographs, or videos; assault, battery, or any violent offense involving a minor; endangerment of a child; any misdemeanor or other offense classification involving a minor or to which a minor was a witness; unfitness as a parent or custodian; removing children from a state or concealing children in violation of a court order; restrictions or limitations on contact or visitation with children or minors; any type of child abduction; or similar or related conduct, matters, or things.

Except the following (list all incidents, location, description, and date)
(if none, write NONE)

Signed _____ Date _____
Subscribed and sworn to (or affirmed) before me this _____ day of _____

Signature of notarial officer
(seal, if any, of notarial officer)

My commission expires _____

OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the ***Texas Register***.

Emergency meetings and agendas. Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the ***Texas Register***.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

State Office of Administrative Hearings

Thursday, December 18, 1997, 9:00 a.m.

1700 North Congress Avenue

Austin

Utility Division

AGENDA:

A Hearing on the Merits is scheduled for the above date and time in: SOAH Docket Number 473-97-1242-WEST TEXAS UTILITIES COMPANY to Amend a Certificate of Convenience and Necessity for a Proposed Transmission Line in Fisher and Scurry Counties (PUC Docket Number 16874).

Contact: William G. Newchurch, 300 West 15th Street, Suite 502, Austin, Texas 78701-1649, (512) 936-0728.

Filed: July 28, 1997, 1:33 p.m.

TRD-9709774



Texas Department of Agriculture

Wednesday, August 13, 1997, 10:00 a.m.

Inn of the Hills, Junction Highway

Kerrville

Texas Mohair Producers Board

AGENDA:

Invocation

Roll Call

Opening Remarks

Approval of Minutes

Discussion and Action: On Remarks from Katie Dickie, TDA Representative; Financial Report; Texas Warehouse Association;

Promotion, Education and Research Opportunities; Scheduling of Next meeting.

Discussion: Director's Business; Other Business

Adjourn

Contact: Mr. Duery Menzies, 233 West Twohig, San Angelo, Texas 76902

Filed: July 29, 1997, 2:06 p.m.

TRD-9709804



Texas Commission on Alcohol and Drug Abuse (TCADA)

Monday, August 18, 1997, 10:00 a.m.

7271 Wurzbach, Suite 220, The University of Texas Health Science Center-

Community Pediatrics/Medical Center Plaza

San Antonio

Regional Advisory Consortium (RAC), Region Eight

AGENDA:

Call to order; welcome and introductions of new members and guests; approval of minutes; TCADA update and comments; membership plan; statewide services delivery plan; old business; new business; public comment; and adjourn.

Contact: Heather Harris, 9001 North IH35, suite 105, Austin, Texas 78753, (512) 349-6669.

Filed: July 29, 1997, 3:58 p.m.

TRD-9709813



Comptroller of Public Accounts

Tuesday, August 12, 1997, 11:00 a.m.

Capitol Extension, Room 2E.20

Austin

Cash Management Committee

AGENDA:

To approve the maximum balance of tax and revenue anticipation notes which may be issued and outstanding in any fiscal year during the 1998–1999 Biennium and whether the notes will be sold on a negotiated or competitive bid basis.

Contact: Carolyn Turney, 200 East 10th Street, Austin, Texas 78701, (512) 463–5908.

Filed: July 29, 1997, 10:45 a.m.

TRD-9709801



State Board of Dental Examiners

Friday, August 8, 1997, 10:00 a.m.

SBDE Offices, 333 Guadalupe, Tower Three, Suite 800

Austin

Dental Lab Certification Council

AGENDA:

I. Call to order

II. Roll Call

III. Minutes

IV. Discuss and consider and review temporary certification of grandfathered laboratories

V. Discuss and consider possible amendments to rule 116.11, prosthetic identifications

VI. Discuss and consider proposing a rule addressing dental laboratory procedures

VII. Discuss the status of laboratories that may be practicing in violation of the dental practice act

VIII. Announcements

IX. Adjourn

Contact: Mei Ling Clendennen, 333 Guadalupe, Tower Three, Suite 800, Austin, Texas 78701.

Filed: July 30, 1997, 9:51 a.m.

TRD-9709877



Texas Planning Council for Developmental Disabilities

Thursday, August 7, 1997, 9:30 a.m.

Holiday Inn South, 3401 South IH35

Austin

Executive Committee

AGENDA:

9:30 a.m. – Call to Order

I. Introductions

II. Public Comments

III. Approval of Minutes

IV. Executive Director's Report

A. Staffing Update

B. Input on State Plan

C. Other Report Items

V. Update on the Traumatic Brain Injury Advisory Board Grant

VI. Consideration of Consumer Stipend Applications

VII. Consideration of FY 1997 Budget Adjustments

VIII. Consideration of FY 1998 Budget

IX. Annual Review of Management Agreement with TRC

X. Discussion of Sunset Review of TPCDD

XI. Chair's Report

A. Future Directions of the Council

B. CDDC Conference September 20–23

C. TPCCD Conference

1:00 Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Rosalinda Lopez at (512) 424–4094.

Contact: Roger Webb, 4900 North Lamar, Austin, Texas 78751, (512) 424–4081.

Filed: July 28, 1997, 3:20 p.m.

TRD-9709808



Thursday, August 7, 1997, 1:30 p.m.

Holiday Inn South, 3401 South IH35

Austin

Planning Committee

AGENDA:

Call to Order

I. Introductions

II. Public Comments

III. Approval of Minutes

IV. Chair's Report

V. Review of Public Input and Approval of TPCDD FY 1998–2000 State Plan

Break

VI. Discussion of proposed TPCDD Strategic Plan

VII. Grants and Projects Update

VIII. Grantee Presentation- Independent Evaluation of Partners in Policymaking

IX. Future Project Ideas

Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Rosalinda Lopez at (512) 424-4094.

Contact: Roger Webb, 4900 North Lamar, Austin, Texas 78751, (512) 424-4081.

Filed: July 28, 1997, 3:20 p.m.

TRD-9709784



Friday, August 8, 1997, 8:30 a.m.

Holiday Inn South, 3401 South IH35, Junior Ballroom

Austin

AGENDA:

8:30 a.m. —Call to Order

I. Introductions

II. Public Comments

III. Approval of Minutes

IV. Chair's Report

A. Future Directions

B. Recognition of Members

C. Other

V. Planning Committee Report

A. Consideration of Final TPCDD State Plan for FY 1998-2000

B. Future Project Ideas

C. Other Discussion Items

VI. Advocacy and Public Information Committee Report

A. Update of 75th Texas Legislature

B. Discussion of Federal Policy Issues

VII. Executive Committee Report

A. Traumatic Brain Injury Advisory Board Update

B. Consideration of Budget Policy

C. Consideration of FY 1997 Budget Adjustments

D. Consideration of FY 1998 Budget

E. Review of TRC Management Agreement

F. Discussion of Sunset Review of TPCDD

G. Other Discussion Items

VIII. Executive Director's Report

A. Conflict of Interest Forms

B. Other

IX. Advocacy Inc., and University Affiliated Program Reports

Adjourn — 2:00 p.m.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Rosalinda Lopez at (512) 424-4094.

Contact: Roger Webb, 4900 North Lamar, Austin, Texas 78751, (512) 424-4080.

Filed: July 29, 1997, 2:42 p.m.

TRD-9709809



Texas Department of Health

Tuesday, August 12, 1997, 9:00 a.m.

Texas Pharmacy Association, 1624 East Anderson Lane

Austin

Drug Use Review Board

AGENDA:

The board will discuss and possibly act on: approval of the minutes of the April 29, 1997 meeting; election of the chair and vice-chair; data evaluations and revised criteria; **H.pylori** Educational Project; H2 and related drugs expenditure data; Dallas Asthma Consortium Educational Program and the Texas Diabetes Council's minimum standards for diabetes care under Managed Care in Texas; pain management guidelines; a presentation of the Texas Department of Health/Drug Use Review (TDH/DUR) web page; on-line prospective Drug Use Review Reports; selection of targeted drugs for next profiles; and the scheduling of the next meeting of the board.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 219-5001, extension 238.)

Filed: July 30, 1997, 10:06 p.m.

TRD-9709880



Friday, August 15, 1997, 10:00 a.m.

Sheraton Austin Hotel, Waller Creek Ballroom, 500 North IH35

Austin

Emergency Health Care Advisory Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the last meeting; associate commissioner's report; bureau chief's report; Project Alpha and implementation of House Bill 1407; implementation of Senate Bill 102; Subcommittee/Task Force Reports (Funding Task Force, Trauma Subcommittee, Pediatric Subcommittee, EMS Subcommittee, and Public Education/Prevention Task Force); public comments; confirmation of next meeting date; and setting of meetings for 1998.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Debbie Hilliard, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6700.

Filed: July 30, 1997, 9:40 a.m.

TRD-9709871



Texas Health Care Information Council

Thursday, August 14, 1997, 10:00 a.m.

Joe Thompson Center, 26th and Red River, Room 2.110

Austin

HMO Technical Advisory Committee

AGENDA:

The Texas Health Care Information Council's HMO Technical Advisory Committee will convene in open session, deliberate, and possibly take formal action on the following items: Organizational Activities including the possible election of the TAC officers and appointment of sub-committees; and Implementation of the HMO/HEDIS Rule, including the recommendations concerning selection of the 1997 subset of reporting set measures, and technical issues relating to HEDIS data collection.

Contact: Jim Loyd, 4900 North Lamar, OOL-3407, Austin, Texas 78751, (512) 424-6490, fax: (512) 424-6491.

Filed: July 29, 1997, 12:56 p.m.

TRD-9709773



State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments

Saturday, August 9, 1997, 8:00 a.m.

Magnolia Room, North Austin Hilton and Towers, 6000 Middle Fiskville Road

Austin

Application Subcommittee

AGENDA:

The subcommittee will introduce guests and will discuss and possibly act on: public comments; and the reciprocity requests from T.B., T.M., D.M., and P.R.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6784.

Filed: July 28, 1997, 4:42 p.m.

TRD-9709793



Saturday, August 9, 1997, 8:00 a.m.

Magnolia Room, North Austin Hilton and Towers, 6000 Middle Fiskville Road

Austin

Application Subcommittee

REVISED AGENDA:

The subcommittee will introduce guests and will discuss and possibly act on: public comments; and the reciprocity requests from T.B., T.M., D.M., and P.R.; and future items to be discussed.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6784.

Filed: July 30, 1997, 10:06 a.m.

TRD-9709879



Saturday, August 9, 1997, 9:00 a.m.

Magnolia Room, North Austin Hilton and Towers, 6000 Middle Fiskville Road

Austin

Continuing Education Subcommittee

AGENDA:

The subcommittee will introduce guests and will discuss and possibly act on: public comments; and continuing education guidelines.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6784.

Filed: July 28, 1997, 4:42 p.m.

TRD-9709794



Saturday, August 9, 1997, 9:00 a.m.

Magnolia Room, North Austin Hilton and Towers, 6000 Middle Fiskville Road

Austin

Continuing Education Subcommittee

REVISED AGENDA:

The subcommittee will introduce guests and will discuss and possibly act on: public comments; and continuing education guidelines; and future items to be discussed.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas
78756, (512) 834-6784.
Filed: July 30, 1997, 10:06 a.m.
TRD-9709878



Saturday, August 9, 1997, 10:00 a.m.

Magnolia Room, North Austin Hilton and Towers, 6000 Middle
Fiskville Road

Austin

Complaints Subcommittee

AGENDA:

The subcommittee will introduce guests and will discuss and possibly act on: public comments; complaints (FD96-0016, FD97-0001, FD-0014, FD97-0015, FD97-0015, FD97-0017, FD97-0018, FD97-0019, FD97-0020, FD97-0021, FD97-0022, FD97-0023, and FD97-0024); and corporate owned filling and dispensing businesses.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas
78756, (512) 834-6784.
Filed: July 28, 1997, 4:42 p.m.

TRD-9709795



Saturday, August 9, 1997, 10:00 a.m.

Magnolia Room, North Austin Hilton and Towers, 6000 Middle
Fiskville Road

Austin

Complaints Subcommittee

REVISED AGENDA:

The subcommittee will introduce guests and will discuss and possibly act on: public comments; complaints (FD96-0016, FD97-0001, FD-0014, FD97-0015, FD97-0015, FD97-0017, FD97-0018, FD97-0019, FD97-0020, FD97-0021, FD97-0022, FD97-0023, and FD97-0024); and corporate owned filling and dispensing businesses; and future items to be discussed.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least four days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas
78756, (512) 834-6784.
Filed: July 30, 1997, 10:00 a.m.

TRD-9709889



Texas Department of Housing and Community Affairs

Thursday, August 21, 1997, 1:30 p.m.

500 North IH35/Sheraton Hotel

Austin

State Review Committee

AGENDA:

Funding recommendations on the 1997 Planning/Capacity Building Fund and the 1997 Community Development Fund and appeals.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989, at least two days before the meeting to that appropriate arrangements can be made.

Contact: Lucille Spillar, 811 Barton Springs Street, Suite 100, Austin, Texas 78704, (512) 475-3978.
Filed: July 30, 1997, 9:12 a.m.

TRD-9709866



Texas Department of Licensing and Regulation

Friday, August 8, 1997, 10:30 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor, Room 420

Austin

Consumer Protection Section, Auctioneering

AGENDA:

The Department will hold Administrative Hearings to consider possible assessment of administrative penalties against the Respondents, Robert Dill and Steven T. Eddington, possible revocation of the Respondents' licenses, and reimbursement to the Auctioneer Education and Recovery Fund for failing to pay all amounts due the seller within 15 banking days in violation of Texas Revised Civil Statutes Annotated Article 8700 (the Act) §7(a)(4) and 16 Texas Administrative Code (TAC) §67.101(4). The Department will also consider the complainant's claim against the Auctioneer Education and Recovery Fund in accordance with the Act §5C. This Administrative Hearing will be held pursuant to the Act and Texas Revised Civil Statutes Annotated Article 9100; the Texas Government Code, Chapter 2001 (APA); and 16 TAC, Chapter 67.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.
Filed: July 29, 1997, 1:46 p.m.

TRD-9709803.



Texas Mental Health and Mental Retardation Board

Wednesday, August 6, 1997, 10:30 a.m.

Holiday Inn, 441 Rio Concho Drive (Ballroom)

San Angelo

Planning and Development Committee

AGENDA:

1. Citizens Comments
2. Update Regarding State Facilities Governing Body Activities
3. Legislative Update and Briefing on the Sunset Process
4. Presentation Regarding the Issue of Vendor Holds Placed on State Schools
5. Update on the Implementation of the Recommendations Contained in the Ad Hoc Committee on Mental Retardation and Managed Care Final Report
6. Update on Supported Employment
7. Briefing on Implementation of the Merit Policy for FY 1998
8. Third Quarter Update on the FY 1997 Operating Plan and the Implementation of the Recommendations Contained in the Texas Performance Review-New Models of Care
9. Consideration of Acceptance of the Citizens' Planning Advisory Committee Report on Managed Care
10. Consideration of Approval of the FY 1998 Operating Plan
11. Consideration of Approval of Adoption of Amendments to 401.58, Concerning Uniform Assessment Tool for Assessing Decision-making Capacity, of Chapter 401, Subchapter B, Concerning Interagency Agreements
12. Consideration of Approval of the Following Community MHMR Centers' Governmental Entity Plans; Burke Center; Central Texas MHMR Center; Collin County MHMR Center; Dallas County MHMR Center; Heart of Texas Region MHMR Center; Hunt County Family Services Center; MHMR Services of Texoma; MHMR Services for the Concho Valley; MHMR Authority of Harris County; Pecan Valley MHMR Region; Texas Panhandle Mental Health Authority; West Texas Centers for MHMR: Wichita Falls Community MHMR Center (d/b/a/ Helen Farabee Center).
13. Consideration of Approval of the Johnson/Navarro/Ellis County Community MHMR Center Plan

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 206-4506, (voice of RELAY TEXAS), Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: July 29, 1997, 4:17 p.m.

TRD-9709817



Wednesday, August 6, 1997, 1:00 p.m.

Holiday Inn, 441 Rio Concho Drive (Ballroom)

San Angelo

Business and Asset Management Committee

AGENDA:

1. Citizens Comments
2. Status of Major Construction Projects
3. Update on Real Property Transactions Previously Approved by the Board; Grazing Lease at Mexia State School; and, Implementation of the Asset Management Policy.

4. Briefing on Request for Clarification of the Board's Role in Volunteer, Asset Management and Financial Decisions
5. Consideration of Approval of a Resolution Relating to the Master Equipment Lease Purchase Program (MELPP)
6. Consideration of Approval of FY 1997 Operating Budget Adjustments
7. Consideration of Approval of the FY 1998 Operating Budget
8. Consideration of Lease at Kerrville State Hospital with Alamo Community College District
9. Consideration of a Resolution to Approve a Uniform Summary of Lease Terms Pertaining to the Use of Bond-Funded Community Facilities by Community MHMR Centers, and to Authorize the Commissioner to Execute Leases Consistent with the Lease Terms
10. Consideration of Items Related to Central Park in Austin, Texas: A. Review of the Independent Audit Report; B. Approval of the MedCath Financing Plan for the Austin Heart Hospital IV.
11. Consideration of Items Related to Triangle Square in Austin, Texas: A. Approval of Amendments to the Master Lease Agreement with Triangle Retail, Ltd.; B. Delegation of Authority to Act on Behalf of the Board on Matters Pertaining to Architectural Style to the Chairman of the Business and Asset Management Committee
12. Consideration of a Lease at Kerrville State Hospital with the Young Men's Christian Association .

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 206-4506, (voice of RELAY TEXAS), Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: July 29, 1997, 4:17 p.m.

TRD-9709816



Thursday, August 7, 1997, 9:00 a.m.

Holiday Inn, 441 Rio Concho Drive (Ballroom)

San Angelo

Audit and Financial Oversight Committee

AGENDA:

1. Citizens Comments
2. Audit Activity Update
3. Discussion Regarding FY 1998/1999 Workload
4. Third Quarter Community Services Performance Report
5. Discussion of FY 1996 Community MHMR Centers' Financial Ratios

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 206-4506, (voice of RELAY TEXAS), Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: July 29, 1997, 4:17 p.m.

TRD-9709814



Thursday, August 7, 1997, 10:00 a.m.

Holiday Inn, 441 Rio Concho Drive (Ballroom)

San Angelo

Medicaid Committee

AGENDA:

1. Citizens Comments
2. Update on Implementation of the New Rate Setting Methodology
3. Review and Approval of Medicaid Reimbursement Rates for State-operated and Non-state-operated Home and Community-based Services (HCS), effective September 1, 1997, through August 31, 1998.
4. Executive Session under Texas Government Code, §551.071 to Discuss Potential and Pending Litigation, Institute of Cognitive Development, Develo-cepts, Inc. and Carroll Stroman, d/b/a Bitter Creek Farm v. Texas Department of Mental Health and Mental Retardation
5. Consideration and Possible Action Concerning the Emergency Adoption of New 25 TAC §§406.151, 406.155, and 406.156 of Chapter 406, Subchapter D, Governing ICF/MR Programs: Reimbursement Methodology, and the Contemporaneous Repeal of Existing 25 TAC §§406.151, 406.155, and 406.156 of Chapter 406, Subchapter D, Governing ICF/MR Programs: Reimbursement Methodology, Including a Possible Finding that Imminent Peril to Public Health, Safety or Welfare Requires Adoption on an Emergency Basis.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 206-4506, (voice of RELAY TEXAS), Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: July 29, 1997, 4:17 p.m.

TRD-9709815



Thursday, August 7, 1997, 10:30 a.m.

Holiday Inn, 441 Rio Concho Drive (Ballroom)

San Angelo

AGENDA:

Issues to Be Considered: Consideration of Approval of the Following: Direction to the Commissioner to Establish a Committee Pursuant to House Bill 1734, 75th Legislative Session; 6. The Following Community MHMR Centers' Governmental Entity Plans: Burke Center; Central Texas MHMR Center; Collin County MHMR Center; Dallas County MHMR Center; Heart of Texas Region MHMR Center; Hunt County Family Services Center; MHMR Services of Texoma; MHMR Services for the Concho Valley; MHMR Authority of Harris County; Pecan Valley MHMR Region; Texas Panhandle Mental Health Authority; West Texas Centers for MHMR: Wichita Falls Community MHMR Center (d/b/a/ Helen Farabee Center); 11. A Lease at Kerrville State Hospital with Alamo Community College District; 12. A Resolution to Approve a Uniform Summary of Lease Terms Pertaining to the Use of Bond-Funded Community Facilities

by Community MHMR Center, and to Authorize the Commissioner to Execute Leases Consistent with the Lease Terms; 13. Items Related to Central Park in Austin, Texas: A. Review of the Independent Audit Report; B. Approval of the MedCath Financing Plan for the Austin Heart Hospital IV; 14. Items Related to Triangle Square in Austin, Texas: A. Approval of Amendments to the Master Lease Agreement with Triangle Retail, Ltd; B. Delegation of Authority to Act on Behalf of the Board on Matters Pertaining to Architectural Style to the Chairman of the Business and Asset Management Committee; 15. Consideration of a Lease at Kerrville State Hospital with the Young Men's Christian Association; 16. Review and Approval of Medicaid Reimbursement Rates for State-operated and Non-state-operated Home and community-based Services (HCS), effective September 1, 1997, through August 31, 1998; 17. Consideration and Possible Action Concerning the Emergency Adoption of New 25 TAC §§406.151, 406.155, and 406.156 of Chapter 406, Subchapter D, Governing ICF/MR Programs; Reimbursement Methodology, and the Contemporaneous Repeal of Existing 25 TAC §§406.151, 406.155, and 406.156 of Chapter 406, Subchapter D, Governing ICF/MR Programs; Reimbursement Methodology, including a Possible Finding that Imminent Peril to Public Health, Safety or Welfare Requires Adoption on an Emergency Basis; 18. Executive Session Under Texas Government Code §551.071 to Discuss Potential and Pending Litigation, RAJ v. Gilbert, Institute of Cognitive Development, Develo-cepts, Inc. and Carroll Stroman, d/b/a Bitter Creek Farm v. Texas Department of Mental Health and Mental Retardation.

Additional items to be considered per agenda.

If ADA assistance or deaf interpreters are required, notify TDMHMR, (512) 206-4506, (Voice of Relay Texas), Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: July 29, 1997, 4:20 p.m.

TRD-9709818



Texas Natural Resource Conservation Commission

Wednesday, August 6, 1997, 9:00 a.m.

Natural Resource Center, Room 1003, 6300 Ocean Drive, Texas A&M University-Corpus Christi

Corpus Christi

Local Governments Advisory Committee, Corpus Christi Bay National Estuary Program

AGENDA:

- I. Call to Order/Introduction/Minutes
- II. Local Government Presentations
- III. Review Comments of July Draft Plan
- IV. Additional Items/Adjourn

Contact: Richard Volk, TAMU-CC, Natural Resource Center, #3300, 6300 Ocean Drive, Corpus Christi, Texas 78412, (512) 980-3420.

Filed: July 28, 1997, 11:17 a.m.

TRD-9709769

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Wednesday, August 6, 1997, 9:30 a.m.

Room 201S, Building E, 12100 Park 35 Circle

Austin

AGENDA:

The Commission will consider approving the following matters on the agenda: Miscellaneous; District Matter; Solid Waste Management Plan; Air Enforcement Agreed Orders; Air Enforcement Default Order; Public Water Supply Enforcement Agreed Orders; Public Water Supply Enforcement Default Order; Water Well Drillers Enforcement Agreed Orders; Municipal Waste Discharge Enforcement Agreed Orders; Industrial Hazardous Waste Enforcement Agreed Order; On-Site Sewage Installers Enforcement Agreed Orders; Petroleum Storage Tank Enforcement Agreed Orders; Petroleum Storage Tank Enforcement Default Orders; Sludge Enforcement Agreed Order; Rules; Executive Session; the Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any items, the Commission may take various actions, including but not limited to rescheduling an item in its entirety or from particular action at a future date or time. (Registration for 9:30 Agenda Starts 8:45 until 9:25).

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: July 28, 1997, 3:02 p.m.

TRD-9709782

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Wednesday, August 6, 1997, 9:30 a.m.

Room 201S, Building E, 12100 Park 35 Circle

Austin

REVISED AGENDA:

The Commission will consider approving the following matters on the agenda: Resolution.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: July 29, 1997, 9:56 a.m.

TRD-9709800

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Thursday, August 7, 1997, 9:00 a.m.

Texas A&M University-Corpus Christi, Natural Resources Center, Conference Room 1003, 6300 Ocean Drive

Austin

AGENDA:

I. Call to Order/Introduction/Minutes.

II. Program Update

III. Characterization Report Approval/Discussion

IV. CBBP STAC Review

V. Occasional Paper Series Discussion

VI. Additional Items/Adjourn

Contact: Richard Volk, TAMU-CC, 6300 Ocean Drive, Corpus Christi, Texas 784412, (512) 980-3420.

Filed: July 28, 1997, 10:41 a.m.

TRD-9709768

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Monday, August 11, 1997, 4:00 p.m.

City of Corpus Christi, City Hall Basement Conference Room

Austin

AGENDA:

I. Call to Order/Introduction/Approval of Minutes.

II. Program Update

III. Coastal Bend Bays Plan CAD Review

IV. Additional Items/Adjourn

Contact: Richard Volk, TAMU-CC, 6300 Ocean Drive, Corpus Christi, Texas 784412, (512) 980-3420.

Filed: July 29, 1997, 8:21 a.m.

TRD-9709796

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Wednesday, October 15, 1997, 9:30 a.m.

TNRCC Park 35 Office Complex, 12118 North IH35, Building E, Room 201S

Austin

AGENDA:

Docket Number 97-0609-DIS; For a public hearing on CAPE ROYALE UTILITY DISTRICT's (The "District") application to adopt and impose an operations and maintenance standby fee on unimproved property in San Jacinto County within their District. The application is filed and the hearing will be held under the authority of §49.231 of the Texas Water Code, 30 Texas Administrative Code, §§294.141-293.152, and under the procedural rules of the Commission. The District requested authority to levy uniform operation and maintenance (O&M) standby fees for calendar years 1997, 1998 and 1999, in the maximum amount allowable under Commission rules, against all undeveloped property within the District which has water and wastewater facilities and services available, and are being operated and maintained by the District. Although the application requests approval of uniform standby fees, according to information received by Commission staff, there is a small number of unimproved properties in the District which only have water facilities and services available. Therefore, staff recommends that standby fees be levied non-uniformly, based on two levels (tiers) of service availability. Commission staff have calculated the maximum allowable operation and maintenance standby fees to be \$89.77 per year per equivalent single family connection (ESFC) against undeveloped property which has water and wastewater facilities and services available (Tier 1); and \$44.89 per year per ESFC against undeveloped property which has only water facilities and services available (Tier 2).

Contact: Water Utilities District Administration Section, MC-152, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6161.
Filed: July 28, 1997, 3:28 p.m.

TRD-9709785

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Public Utility Commission of Texas

Wednesday, August 6, 1997, 1:00 p.m.

1701 North Congress Avenue

Austin

AGENDA:

There will be an Open Meeting for discussion, consideration, and possible action regarding: Project Number 14929, Universal Service fund; Project Number 17510, Specialized Equipment Distribution Program; Project Number 17714, Telecommunications Relay Service; Docket Number 17703, Project Number 17636, Status of Subtitle J Competitive Safeguards; Project Number 16804, Prepaid Local Telephone Service; Project Number 17265, amendment to Subst. R 23.54, Pay Telephone Service; Report on implementation of pending interLATA Expanded Local Calling Service (ELCS) cases; Request of four telephone cooperatives for letter of support from PUC for the cooperatives' petitions for waiver at the FCC; NARUC related issues: pay phones, conservation measures for depleting area codes, standards performance measures for OSS and issues; Docket Numbers 16189, 16196, 16226, 16285, 16290, 16455, 17065, 17242, 15076, 17107, 16708, 16710, 17397, 17496, 17517, 17541, 17542, 17431, 17443, 17444, 17445, 17446, 17457, 17458 and 17464; Federal Telecommunications Act of 1996, including but not limited to actions taken by the Federal Communications Commission; Activities in local telephone markets, including but not limited to correspondence and implementation of interconnection agreements approved by the Commission pursuant to PURA95 and FTA96; Docket Numbers 15840, 15613, 15638, 15639, 15643, 15079, 17460 and 16874; Activities in wholesale electric power market, including but not limited to correspondence and implementation of S.B. 373, 74th Session Texas Legislature; Project Number 17063, Amendment to Proc. R. 22.127, Certified Issues; Project Number 17295, Amendment to Subst. R. 23.11(f) concerning Equal Opportunity Reports; Customer service issues, including but not limited to correspondence and complaint issues; Implementation of legislation enacted by the 75th Legislature; Agency plans, priorities and budgets for the coming biennium; Project assignments, correspondence, staff reports, audit, agency administrative procedures, budget, fiscal matters and personnel policy; Adjournment for closed session to consider litigation and personnel matters; Reconvene for discussion and decisions on matters considered in closed session.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7308.
Filed: July 29, 1997, 3:21 p.m.

TRD-9709810

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Texas Workforce Commission

Tuesday, August 5, 1997, 9:00 a.m.

101 East 15th Street, Room 644, TWC Building

Austin

AGENDA:

Prior meeting notes; Public Comment; Staff reports and discussion, update on activities relating to Administration Division, Finance Division, Information Systems Division, Skills Development and Self-Sufficiency Funds; Unemployment Insurance Division, School-to-Work, Welfare-To-Work/Child Care Programs, and Workforce Division, and other activities as determined by the Acting Executive Director; Discussion regarding proposed rule relating to the Self-Sufficiency Fund and related matters; Discussion of proposed changes to TWC rule relating to the Skills Development Fund (40 TAC 803.1); Discussion, consideration and possible action on publication in the *Texas Register* of proposed changes to TWC rule relating to charges for copies of public records, including repeal of Chapter 821 and re-proposal at Chapter 800, Subchapter C; Presentation, discussion and possible action relating to the Child Care Matching Fund process and the role of Local Workforce Development Boards and the use of lapsing federal funds from fiscal year 1997 for locally matched child care initiatives; Discussion, consideration and possible action on adoption of rule regarding TWC's allocation formula for distribution of funds to Local Workforce Development Areas (40 TAC §§800.51-800.60) and related matters; Discussion, consideration and possible action on adoption of rule regarding Child Care (40 TAC §§809.1-809.88) and related matters; Discussion, consideration and possible action on adoption of incentive and sanction policy for Local Workforce Boards; Discussion of governance structures for Local Workforce Development Boards and related matters; Discussion of revision of rules related to the TANF employment program; Discussion, consideration and possible action regarding potential and pending applications for certification and recommendations to the Governor of Local Workforce Development Boards for Certification; Discussion, consideration and possible action regarding recommendations to TCWEC and status of strategic and operational plans submitted by Local Workforce Development Board; Discussion, consideration and possible action relating to the Commissions' policy and criteria relating to appointment and reappointment of Local Workforce Development Board or Private Industry Council nominees; Discussion, consideration and possible action regarding approval of Local Workforce Board of Private Industry Council nominees; Executive session pursuant to Government Code §551.074 to discuss personnel matters with executive staff; Actions, if any, resulting from executive session; Consideration and action on whether to assume continuing jurisdiction on Unemployment Compensation cases and reconsideration of Unemployment Compensation cases, if any; Consideration and action on higher level appeals in Unemployment Compensation cases listed on Texas Workforce Commission Dockets 32, 32A and 32B; and Set date of next meeting.

Contact: Esther Hajdar, 101 East 15th Street, Austin, Texas 78778, (512) 463-7833.
Filed: July 28, 1997, 3:15 p.m.

TRD-9709783

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Regional Meetings

Meetings filed July 28, 1997

Austin Transportation Study, Policy Advisory Committee, Capital Metro Board Appointment Subcommittee, met at Municipal Annex, 301 West Second Street, First Floor Large Conference Room, Austin,

August 1, 1997, 9:00 a.m. Information may be obtained from Michael R. Aulick, 301 West Second Street, Austin, Texas 78701, (512) 499-2275. TRD-9709775.

Tri County Special Utility District, (SUD), Board of Directors, , met at Highway Seven East, Marlin, July 31, 1997 at 7:00 p.m. Information may be obtained from Patsy Booher, P.O. Box 976, Marlin, Texas 76661, (817) 803-3553. TRD-9709767.

Tyler County Appraisal District, Appraisal Review Board, will meet at 806 West Bluff, Woodville, August 7, 1997, 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9709791.

Tyler County Appraisal District, Appraisal Review Board, will meet at 806 West Bluff, Woodville, August 8, 1997, 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9709792.

Tyler County Appraisal District, Appraisal Review Board, will meet at 806 West Bluff, Woodville, August 11, 1997, 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9709789.

Tyler County Appraisal District, Appraisal Review Board, will meet at 806 West Bluff, Woodville, August 13, 1997, 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9709790.

Meetings filed July 29, 1997

Deep East Texas Local Workforce Development Board, Marketing Committee, will meet at 118 South First Street, Lufkin, August 6,

1997 at 2:00 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75902, (409) 634-2247. TRD-9709802.

District Judges' Meeting, 36th, 156th, and 343rd District Courts, met at 400 West Sinton Street, Room 207, Sinton, August 1, 1997, 10:30 a.m. Information may be obtained from Ronald M. Yeager, 400 West Sinton Street, Room 207, Sinton, Texas 78387, (512) 364-6200. TRD-9709798.

Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main Street, Hallettsville, August 11, 1997 at 6:00 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9709819.

Meetings filed July 30, 1997

Austin Transportation Study, Policy Advisory Committee, Capital Metro Board Appointments Subcommittee, met at Municipal Annex, 301 West Second Street, First Floor Large Conference Room, Austin, August 4, 1997 at 9:00 a.m. Information may be obtained from Michael R. Aulick, 301 West Second Street, Austin, Texas 78701, (512) 499-2275. TRD-9709860.

Riceland Regional Mental Health Authority, Board of Trustees, will meet at 3007 North Richmond Road, Wharton, August 7, 1997 at 9:00 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9709822.

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Coastal Coordination Council

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following projects(s) during the period of July 25, 1997, through July 29, 1997:

FEDERAL AGENCY ACTIONS:

Applicant: Victor Barcot; Location: San Bernard River, Lots 1A and 2, 1442 County Road 469, Brazoria County, Texas; Project Number: 97-0229-F1; Description of Proposed Action: The applicant requests an after-the-fact permit to retain a 24-foot by 4-foot pier and a 32-foot by 8-foot T-head; Type of Application: U.S.C.O.E. permit application #21033 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: Governor's Point Property Owners Association; Location: Lake Livingston, Governor's Point Subdivision, south of the Town of Point Blank, San Jacinto County, Texas; Project Number: 97-0230-F1; Description of Proposed Action: The applicant requests an after-the-fact permit for dredging that was performed to improve boat access to the common use areas within the small cove of Lake Livingston that serves as the Governor's Point Subdivision waterfront; Type of Application: U.S.C.O.E. permit application #20990 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: Marine Rental, Inc.; Location: Southeast of Texas State Highway 87 bridge, at East Bunch Road, near Bridge City, Orange County, Texas; Project Number: 97-0231-F1; Description of Proposed Action: The applicant requests an after-the-fact permit to retain a 120-foot walkway pier, running parallel to the shoreline of Cow Bayou. The applicant further proposes to construct another 196 feet of walkway pier, a boat ramp, and a 180-foot bulkhead with

backfill; Type of Application: U.S.C.O.E. permit application #20620 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: Arleen Ward; Location: Laguna Madre, at the corner of Laguna Shores Drive and Riverdale Street, Corpus Christi, Nueces County, Texas; Project Number: 97-0232-F1; Description of Proposed Action: The applicant proposes to construct a private T-head pier, 4-feet by 277-feet with an 8-foot by 20-foot T-head; Type of Application: U.S.C.O.E. permit application #21038 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be referred to the Coastal Coordination Council for review and whether the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received within 30 days of publication of this notice and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709867

Gary Mauro

Chairman

Coastal Coordination Council

Filed: July 30, 1997



Comptroller of Public Accounts

Notice of Request for Information for an Advanced Database System to Enhance Tax Collection

Notice of Request for Information: The Comptroller of Public Accounts (Comptroller) announces its Request for Information (RFI) to solicit information from the private and public sectors regarding the Comptroller's implementation of Senate Bill 461 of the 75th Texas Legislature authorizing the Comptroller to contract on a contingency

basis with vendor(s) to develop and implement an advanced database system to enhance tax collections. Such a system is expected to increase collections by at least \$40 million over the 1998-1999 biennium. Before contracting for the development of a system, the Comptroller requests information on product innovations and technology solutions to enhance the Comptroller's tax collections efforts.

Ideally, such solutions would merge existing Comptroller data with external data, perform complex searches, identify entities that are not paying or may be underpaying applicable taxes, and identify patterns that may indicate noncompliance. The Comptroller has successfully used pattern recognition or neural-network technology to identify suspicious patterns in Medicaid claims data. The Comptroller is particularly interested in any pattern recognition or "learning" technologies that may be viable in the tax collections context.

The ideal respondent would be able to suggest innovative uses for existing products or technologies, incorporate new external electronic data source(s) to help the Comptroller identify businesses failing to pay taxes, underpaying taxes, or identify the location of assets or bank accounts to aid in tax liability collections. Respondents should be creative. All options will be considered.

Upon request, the Comptroller will make de-identified tax information available to respondents of the RFI. The data is to be used in helping the respondent demonstrate how their technology or product can enhance Comptroller tax collections. The complete RFI and related appendices are available on the internet at or may be obtained from David R. Brown, Legal Services, Comptroller of Public Accounts, L.B.J. State Office Building, Room #G-24, 111 East 17th Street, Austin, Texas, 78774, (512) 305-8673.

Contact: parties interested in submitting a response to the RFI should contact the Comptroller of Public Accounts, Legal Counsel's Office, 111 E. 17th St., Room #G-24, Austin, Texas 78774, (512) 305-8673. A hard copy of the RFI is available for pick-up at the above-referenced address on Tuesday, August 5, 1997, between 4:00 p.m. and 5:00 p.m. Central Zone Time (CZT), and during normal business hours thereafter.

The anticipated schedule of events is as follows: Issuance of RFI - August 5, 1997, at 4:00 p.m. (CZT); Written RFI Responses Due - September 8, 1997, 4:00 noon (CZT).

Issued in Austin, Texas, on July 30, 1997.

TRD-9709881

Walter Muse

Legal Counsel

Comptroller of Public Accounts

Filed: July 30, 1997

Texas Department of Health

Notice of Cancellation of Request for Proposal (Managed Care Support Contractor)

Purpose. The Texas Department of health (department), Health Care Financing Associateship, is canceling the Request for Proposal (RFP) number HCF-97-01 to contract with a qualified and experience firm capable of providing the department with a wide range of administrative tasks associated with the monitoring of managed care organizations which have contracted with the State of Texas Medicaid

Managed Care Program (known as the "State of Texas Access Reform" or STAR Program). The RFP was released on April 10, 1997. A Notice of Request for Proposal (Managed Care Support Contractor) was published in the *Texas Register* on April 4, 1997, at 22 TexReg 3326.

Description. Pursuant to the limitations provision set out in the April 4, 1997 notice, the department has deemed it to be in the best interest of the department to cancel this RFP.

Contact. Requests for information concerning the cancellation of this RFP must be addressed in writing to Mr. Larry Fischer, Procurement Officer, Texas Department of Health, Mail Code Y-921, 1100 West 49th Street, Austin, Texas 78756-3199. Fax (512) 338-6544.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709873

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: July 30, 1997

Notice of Request for Proposals for Coyote/Gray Fox Oral Rabies Vaccine Delivery

Purpose. The Texas Department of Health (department), Zoonosis Control Division (ZCD) is requesting proposals for the aerial delivery of approximately 2.5 million vaccine/bait units over 42,000 square miles in south and central Texas in an attempt to control and eventually eliminate canine and gray fox rabies from the state.

Description. The department is seeking a contractor to distribute vaccine/bait units in specified areas of Texas for the control of rabies. The bait delivery will cover approximately 42,000 square miles and will last no longer than eight weeks. The department will use the competitive procurement process to select a contractor to deliver these vaccine/bait units.

Eligible Applicants. Eligible offerors include any applicant capable of meeting the performance requirements.

Limitations. Funding for the selected proposal will depend upon available state appropriations. The department reserves the right to reject any and all offers received in response to the Request for Proposals (RFP) and cancel the RFP if it is deemed in the best interest of the department.

Term. The tentative effective date for the contract is January 5, 1998.

Deadlines. All proposals to be considered for funding through this RFP must be received by 5:00 PM, CST, September 15, 1997, at the Texas Department of Health, Zoonosis Control Division, 1100 West 49th Street, Austin, Texas 78756 (Attention: M.G. Fearneyhough, D.V.M.). Proposals received after this deadline will not be accepted.

Evaluation and Selection. An internal evaluation selection panel designated by ZCD will rank and score the proposals. The evaluation of the RFP will be based upon the following criteria: ability to meet performance requirements, ability to meet specified time lines, cost per flight hour and evidence that the applicant has the capacity and resources to accomplish the project.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709874

Susan K. Steeg
General Counsel
Texas Department of Health
Filed: July 30, 1997

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Texas Department of Housing and Community Affairs

Notice of Administrative Hearing (MHD1996001385-D)

Manufactured Housing Division

Wednesday, August 20, 1997, 1:00 p.m.

State Office of Administrative Hearing, Stephen F. Austin Building,
1700 N Congress, 11th Floor, Suite 1100

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. J.B. Gilliam to hear alleged violations of the Act, §§ 3(10), 7(d), 17(b) and Rules § 80.125(e) regarding obtaining, maintaining or possessing a valid installers certificate of registration. SOAH 332-97-1375. Department MHD1996001385D.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709863
Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs
Filed: July 30, 1997

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Notice of Administrative Hearing (MHD1996001781-D)

Manufactured Housing Division

Tuesday, August 12, 1997, 1:00 p.m.

State Office of Administrative Hearing, Stephen F. Austin Building,
1700 N Congress, 11th Floor, Suite 1100

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. David R. Rodriguez dba E-Z Move Transport to hear alleged violations of the Act, §§ 3(10), 7(b), 7(d), 13(e), 17(b), and 18(d) and Rules § 80.125(b)(e) regarding obtaining, maintaining or possessing a valid installers certificate of registration and offering two or more manufactured homes for sale within a consecutive 12 month period without obtaining, maintaining, or possessing a valid retailers certificate of registration. SOAH 332-97-1374. Department MHD1996001781D.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709864
Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs
Filed: July 30, 1997

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Notice of Administrative Hearing (MHD1996001663-D)

Manufactured Housing Division

Wednesday, August 6, 1997, 9:00 a.m.

State Office of Administrative Hearing, Stephen F. Austin Building,
1700 N Congress, 11th Floor, Suite 1100

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. Leroy Ellett aka Elletts Mobile Homes to hear alleged violations of the Act, §§ 3(10), 7(d), 17(b) and Rules § 80.125(e) regarding obtaining, maintaining or possessing a valid installers certificate of registration. SOAH 332-97-1373. Department MHD1996001663D.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709865
Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs
Filed: July 30, 1997

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Notice of Grant Hearings (CFNP, CSBG, LIHEAP)

On or about October 1, 1997, The Administration & Community Affairs Division of the Texas Department of Housing and Community Affairs (TDHCA) anticipates receiving federal funds to continue the operation of certain programs that assist very low-income Texans. The Department is now in the process of deciding how these funds will be used and is seeking the input of groups affected by these programs and/or other interested citizens.

As part of the public information consultation and public hearings requirements for the Community Services Block Grant, a federal block grant, and the Low Income Home Energy Assistance Program, the Administration & Community Affairs Division of the Texas Department of Housing and Community Affairs (TDHCA) will conduct five public hearings. The primary purpose of the hearings is to solicit comments on the proposed use and distribution of Federal Fiscal Year (FFY) 1998 funds provided under the Community Services Block Grant (CSBG), Community Food and Nutrition Program (CFNP), and the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP provides funding for the Weatherization Assistance Program (WAP) and the Comprehensive Energy Assistance Program (CEAP). The public hearings have been scheduled as follows:

Monday, August 18, 1997, 6:00 p.m. at the West End Multi-Service Center, Building 3, 170 Heights Blvd., Houston, TX

Tuesday, August 19, 1997, 2:00 p.m. at the Carver Library, 1161 Angelina Street, Austin, TX

Tuesday, August 19, 1997, 11:30 a.m. at the Centro de Artes, Market Square, 514 West Commerce, San Antonio, TX

Wednesday, August 20, 1997, 6:00 p.m. at the Botanic Garden Center, Conservatory Lecture Hall, 3220 Botanic Garden Blvd., Ft. Worth, TX

Thursday, August 21, 1997, 6:00 p.m. at the Midland Business Center, 201 East Michigan, Suite 123, Midland, TX

A representative from TDHCA will be present at each meeting to explain the planning process and receive comments from interested citizens and affected groups regarding the proposed plans. Copies of the Intended Use Report can be obtained by contacting the Texas Department of Housing and Community Affairs, P.O. Box

13941, Austin, Texas, 78711-3941. For questions, contact the Administration & Community Affairs Division at (512) 475-1099.

Comments on the intended use of funds may be in the form of written comments or oral testimony at the public hearings. Written comments must be received no later than Tuesday, September 2, 1997. Comments concerning the LIHEAP may be submitted to Nieves Lopez at TDHCA using the address provided above, or via the internet using nlopez@genesis.tdhca.state.tx.us. All other comments may be submitted to Dyna Cole at TDHCA using the address provided above, or via the internet using dcole@genesis.tdhca.state.tx.us. If you have any questions regarding the public hearing process, or any of the programs referenced above, please contact the Community Affairs Division at (512) 475-1099.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Departamento de Vivienda y Asuntos Comunitarios
Anuncio de Audiencias Publicas Sobre El Uso De Fondos Federales

Aproximadamente el primero de octubre, 1997, el Departamento de Vivienda y Asuntos Comunitarios del Estado de Tejas (TDHCA) espera recibir fondos federales para continuar operando ciertos programas para asistir a personas de bajos ingresos. El Departamento está en el proceso de decidir el uso de los fondos federales y está solicitando comentarios de ciudadanos interesados y grupos afectados por estos programas.

Como parte de los requisitos asociados con el uso de fondos federales, el Departamento de Vivienda y Asuntos Comunitarios del Estado de Tejas (TDHCA) conducirá cinco (5) audiencias públicas durante el mes de Agosto en diferentes localidades del estado. El propósito primario de estas audiencias es para solicitar comentarios sobre uso y distribución de los fondos federales durante el año fiscal 1998 a través de la Concesión de Servicios para la Comunidad (CSBG), el Programa de Alimentos y Nutrición a la Comunidad (CFNP) y la Concesión de LIHEAP.

Durante las audiencias se distribuirán copias de reportes detallando el uso de éstos fondos para recibir comentarios del público y así desarrollar la fase para la preparación de las solicitudes y los planes que se someterán a las agencias federales. También se utilizará esta información para preparar la solicitud para TDHCA en el año fiscal 1998.

El horario para las audiencias publicas es el siguiente:

- Lunes, 18 de Agosto, 1997, 6:00 p.m., West End Multiservice, Edificio 3, 170 Heights Blvd., Houston, Tejas
- Martes, 19 de Agosto, 1997, 2:00 p.m., Carver Library, 1161 Angelina Street, Austin, Tejas
- Martes, 19 de Agosto 1997, 11:30 a.m., Centro de Artes, Market Square, 514 West Commerce, San Antonio, Tejas
- Miércoles, 20 de agosto 1997, 6:00 p.m., Botanic Garden Center, Conservatory Lecture hall, 3220 Botanic Garden Blvd., Ft. Worth, Tejas
- Jueves, 22 de agosto 1996, 6:00 p.m., Midland Business Center, 201 East Michigan, Oficina #123, Midland, Tejas

Un representante del Departamento de Vivienda y Asuntos Comunitarios del Estado de Tejas (TDHCA) estará presente para explicar el proceso de planificación, proveer información y recibir comentarios de ciudadanos interesados y grupos afectados por estos cambios. Usted podrá obtener copias de los reportes que explican como se van utilizar los fondos, escribiendo al: Departamento de Vivienda y Asuntos Comunitarios del Estado de Tejas, P. O. Box 13941 Capitol Station, Austin, Texas 78711-3941.

Comentarios sobre el intensionado uso de estos fondos durante las audiencias pueden ser por escrito o testimonio oral. Comentarios escritos pueden ser presentados a TDHCA durante las audiencias o enviarse por correo antes del 2 de septiembre de 1997. Preguntas relacionadas a las audiencias públicas o cualquier programa arriba mencionado, favor de comunicarse con la Seccion de Servicios para la Comunidad, al número (512) 475-1099.

Cualquier persona que necesite asistencia auxiliar para la junta, favor de llamar dos dias antes y hablar con Aurora Carvajal (512) 475-3822 o Relay Texas 1-800-735-2989.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709872
Larry Paul Manley
Executive Director

Texas Department of Housing and Community Affairs
Filed: July 30, 1997

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Notice of Public Hearings

LOW INCOME HOUSING TAX CREDIT PROGRAM

1997 Public Hearing Schedule

The Tax Credit Ad Hoc Committee of the Texas Department of Housing and Community Affairs will hold public hearings to receive comments on the 1997 proposed tax credit developments at the following locations:

Dallas, August 9

9:30 a.m.

City Council Chambers

1500 Marilla Street

Dallas, Texas 75201

San Antonio, August 15

11:00 a.m.

City Council Chambers

103 Main Plaza

San Antonio, Texas 78205

Houston, August 16

9:30 a.m.

City Council Chambers

900 Bagby

Houston, Texas 77002

Written comment is encouraged and should be addressed to:

Texas Department of Housing & Community Affairs

Cherno M. Njie, Program Manager

Post Office Box 13941

Austin, TX 78711

or via Fax at (512) 476-0438

ATTN: Low Income Housing Tax Credit Program - PC97

E-mail: YPORCHE@genesis.tdhca.state.tx.us

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709821

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Filed: July 29, 1997

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Texas Department Of Insurance

Notice

The Commissioner of Insurance, or his designee, will consider approval of a rating manual request submitted by Liberty Mutual Group proposing to use a rating manual relative to classifications and territories different than that promulgated by the Commissioner of Insurance pursuant to Texas Insurance Code Annotated art. 5.101, §3(l). They are proposing to introduce a mass merchandising program which makes arrangements with an employer to market and sell homeowners insurance to the employees at a five percent discount on individual policies issued by Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation, and The First Liberty Insurance Corporation.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9104, extension (512) 475-1761.

This filing is subject to Department approval without a hearing unless a properly filed objection, pursuant to Art. 5.101, §3(h), is made with Edna Ramon Butts, Senior Associate Commissioner, Regulation and Safety, at the Texas Department of Insurance, MC 107-2A, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709805

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: July 29, 1997

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The Commissioner of Insurance, or his designee, will consider approval of a rating manual request submitted by Liberty Mutual Group proposing to use a rating manual relative to classifications and territories different than that promulgated by the Commissioner of Insurance pursuant to Texas Insurance Code Annotated art. 5.101, §3(l). They are proposing to introduce a mass merchandising program which makes arrangements with an employer to market and sell private passenger automobile insurance to the employees at a five percent discount on individual policies issued by Liberty Mutual Insurance Company, Liberty Mutual Fire Insurance Company and Liberty Insurance Corporation.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9104, extension (512) 475-1761.

This filing is subject to Department approval without a hearing unless a properly filed objection, pursuant to Art. 5.101, §3(h), is made with Edna Ramon Butts, Senior Associate Commissioner, Regulation and Safety, at the Texas Department of Insurance, MC 107-2A, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709806

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: July 29, 1997



Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for incorporation in Texas of Pinnacle Administrators, Inc., a domestic third party administrator. The home office is San Antonio, Texas.

Application for admission to Texas of Gallagher Benefit Services of Colorado, Inc., (using the assumed name of Byerly & Company, Inc.), a foreign third party administrator. The home office is Englewood, Colorado.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709807

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: July 29, 1997



Texas Department of Mental Health and Mental Retardation

Requests for Proposals for Evaluation Services

The Texas Department of Mental Health and Mental Retardation (department) in accordance with the provisions of the Texas Government Code, Chapter 22, requests the submission of proposals to provide consulting services as evaluators of systems changes. The consultant will be responsible for the design and implementation of an evaluation of the change in service delivery for persons with mental retardation in various pilot areas in Texas. The consultant will be responsible for the data collection and determination as to whether or not the change in service delivery methodology meets the outcomes envisioned by the designers. This RFP has been developed to assist the department in evaluating the outcomes and results of a mental retardation services pilot intended to improve services and supports received by consumers and their families. This will require the proposer to successfully work with key personnel at all pilot sites. The proposer selected will also be required to assist the department in working with various stakeholder groups to develop and implement the evaluation design. The consulting services sought by the department in this RFP include design, development, and implementation of evaluation methodologies to measure changes, including unintended changes, resulting from the implementation of the pilot for delivery of services to persons with mental retardation.

Additional Project Description

The department wants to test new methodologies for service delivery and understand the consequences of making such changes. In conceptualizing these changes there are several hypothesis that were developed about the outcomes of implementing such a system. Data needs to be collected and evaluation completed as to whether these

hypothesis are factual or whether there are unintended consequences of making such system changes. The project will run for the length of the pilots.

Preproposal Meeting and Proposal Deadline

Questions relating to the content of the RFP will be accepted during a RFP conference scheduled for 10 a.m., Tuesday, August 19, 1997, in Room 328 of Building 2 of the department's Central Office at 909 West 45th Street in Austin. Communication with any department personnel in reference to this RFP other than David Rollins, Research Specialist, Long Term Services and Supports, will be grounds for disqualification.

Obtaining Complete Request for Proposal Package

Any proposer who desires a copy of this RFP may request one by writing: David Rollins, Research Specialist, Long Term Services and Supports, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, FAX (512) 206-4899

Consulting Selecting Information

For consultant selection, the proposals are to be evaluated by a department workgroup with the selection to be based upon the criteria identified in the Request for Proposals.

Information

For other information, please contact: David Rollins, Research Specialist, Long Term Services and Supports, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, (512) 206-4535, FAX (512) 206-4899.

Proposal Submission

Proposals should be submitted to: David Rollins, Research Specialist, Long Term Services and Supports, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668 FAX (512) 206-4899.

The proposal must be date stamped no later than 4:00 p.m. CDST, Friday, September 5, 1997, at the department's Office of Long Term Services and Supports. The physical address for purposes of direct delivery is: Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Building 2, Room 278, Austin, Texas 78751

An original and eight copies of the proposal shall be submitted to the department, each signed by the proposer in ink. All copies of the proposal must contain all required information, including the cost proposal.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709820

Ann K. Utley

Chair, Texas MHMR Board

Texas Department of Mental Health and Mental Retardation

Filed: July 29, 1997



Texas Natural Resource Conservation Commission

Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Health and Safety Code, the Texas Clean Air Act (the Act), Chapter 382, §382.096. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is September 4, 1997. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 4, 1997**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-1893. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in writing.

(1)COMPANY: Austin Countertops, Incorporated; DOCKET NUMBER: 97-0342-AIR-E; ACCOUNT NUMBER: TH-0247-V; LOCATION: Austin, Travis County, Texas; TYPE OF FACILITY: plastic marble manufacturing plant; RULE VIOLATED: 30 TAC §116.115, Permit Number 17586, Special Provision Number 10, Agreed Order Number 94-0536-AIR-E, and the Act, §382.085(b), by failing to vent emissions from the resin storage tank to the casting area; PENALTY: \$750; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 1921 Cedar Bend, Suite 150, Austin, Texas 78758-5336, (512) 339-2929.

(2)COMPANY: Caldwell/VSR, Incorporated; DOCKET NUMBER: 97-0173-AIR-E; ACCOUNT NUMBER: HN-0371-V; LOCATION: Weslaco, Hidalgo County, Texas; TYPE OF FACILITY: venetian blind painting plant; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.0518(a) and §382.085(b), by operating a venetian blind spray painting facility without a valid permit or satisfying the conditions of a standard exemption; PENALTY: \$15,600; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 134 East Van Buren, Suite 301, Harlingen, Texas 78550-6807, (210) 425-6010.

(3)COMPANY: Commercial Metals-Austin Inc.; DOCKET NUMBER: 97-0200-AIR-E; ACCOUNT NUMBER: TH-0067-C; LOCATION: Austin, Travis County, Texas; TYPE OF FACILITY: metal recycling plant; RULE VIOLATED: 30 TAC §101.4 and the Act, §382.085(a) and (b), by creating a nuisance condition through the discharge of particulate matter in the form of synthetic and natural fibers; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Tel

Croston, (512) 239-5717; REGIONAL OFFICE: 1921 Cedar Bend, Suite 150, Austin, Texas 78758-5336, (512) 339-2929.

(4)COMPANY: Pero Trailer Manufacturing, Incorporated; DOCKET NUMBER: 97-0375-AIR-E; ACCOUNT NUMBER: CP-0359-F; LOCATION: McKinney, Collin County, Texas; TYPE OF FACILITY: trailer manufacturing plant; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.0518(a) and §382.085(b), by operating a spray painting facility without first obtaining a permit or meeting the conditions of a standard exemption; 30 TAC §115.421(a)(9)(A)(ii) and the Act, §382.085(b), by exceeding the Volatile Organic Compounds (VOC) content in the paint; and 30 TAC §115.426(a)(1)(A) and the Act, §382.085(b), by failing to have the VOC content shown on the Material Safety Data Sheets; PENALTY: \$0; ENFORCEMENT COORDINATOR: Tel Croston, (512) 239-5717; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709797

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 29, 1997



Public Utility Commission of Texas

Notice of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 18, 1997, to amend a certificate of convenience and necessity pursuant to §§1.101(a), 2.201, 2.101(e), 2.252, and 2.255, of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Joint Application of Public Utilities Board of the City of Brownsville (PUB) and Magic Valley Electric Cooperative, Inc. (MVEC) to Amend Certificated Service Area Boundaries in Cameron County, Docket Number 17707 before the Public Utility Commission of Texas.

The Application: In Docket Number 17707, PUB and MVEC request approval to amend their certificated service area boundaries so that PUB can provide service to an industrial manufacturing plant to be constructed by Titan Tire Corporation and MVEC to provide service to an area located south of Alton Gloor Boulevard, next to Chaparral subdivision along the proposed Morrison Road, north of an existing drainage ditch, east of Expressway 77 and 83, and west of the Brownsville Country Club subdivision.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 within 15 days of this notice. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709787

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas
Filed: July 28, 1997

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Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 24, 1997, for approval of certain depreciation rates pursuant to §§3.051(b), and 3.151(a), of the Public Utility Regulatory Act of 1995 (PURA), Texas Revised Civil Statutes Annotated, article 1446c-0 (Vernon 1997). A summary of the application follows.

Docket Title and Number: Application of Riviera Telephone Co. Inc. for an Increase in Certain Depreciation Rates, Docket Number 17725 before the Public Utility Commission of Texas.

The Application: In Docket Number 17725, Riviera Telephone Co. Inc. requests approval to increase certain depreciation rates to receive full capital recovery of the following equipment accounts: computers, digital electronic switching equipment, circuit equipment, buried cable-metallic, and buried cable-fiber.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 on or before September 4, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709788
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: July 28, 1997

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Notices of Application for Approval of Certain Depreciation Rates

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 16, 1997, for approval of certain depreciation rates pursuant to §§3.051(b), and 3.151(a), of the Public Utility Regulatory Act of 1995 (PURA), Texas Revised Civil Statutes Annotated, article 1446c-0 (Vernon 1997). A summary of the application follows.

Docket Title and Number: Application of Muenster Telephone Corporation of Texas for an Increase in Certain Depreciation Rates, Docket Number 17698 before the Public Utility Commission of Texas.

The Application: In Docket Number 17698, Muenster Telephone Corporation of Texas requests approval to increase certain depreciation rates to receive full capital recovery of the following equipment accounts: digital electronic switching equipment, buried cable-metallic, computers, and circuit equipment.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 on or before August 29, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709786
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: July 28, 1997

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Notice of Application for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 28, 1997, for a service provider certificate of operating authority (SPCOA), pursuant to §3.2532 of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of WorldCom Technologies, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 17737 before the Public Utility Commission of Texas.

Applicant intends to provide a full range of local exchange services and vertical features including, but not limited to, custom calling and CLASS services.

Applicant's requested SPCOA geographic area includes the regions served by the following incumbent local exchange companies: Southwestern Bell Telephone Company, GTE Southwest, Inc., Central Telephone Company of Texas, United Telephone Company of Texas, Inc., Sugarland Telephone Company, and Lufkin-Conroe Telephone Exchange, Inc., within the State of Texas.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 no later than August 8, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 29, 1997.

TRD-9709823
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: July 30, 1997

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Southwest Texas State University

Consultant Proposal Request

FUND RAISING COUNSEL. Southwest Texas State University in San Marcos solicits proposals for its major gifts campaign. This consulting service is a continuation of a service previously performed by The Dini Partners, Houston, Texas.

The firm must have a proven track record assisting large state universities in Texas with similar campaigns.

The contractors must provide advice and guidance on research, cultivation, solicitation and stewardship for private gifts to the university.

Assistance with the recruitment and training of volunteer leadership, goal setting, campaign accounting procedures and overall assistance are also required.

Southwest Texas will give preferential consideration to firms who have previous experience working with Southwest Texas State University on fund-raising issues.

Contact: Gerald W. Hill Vice President for University Advancement
Southwest Texas State University San Marcos, TX 78666-4612.

Closing Date: 30 days from posting date.

Issued in Austin, Texas, on July 31, 1997.

TRD-9709902

William A. Nance

Vice President for Finance and Support Services

Southwest Texas State University

Filed: July 31, 1997



Texas Workers' Compensation Commission

Extension of Deadline for Receiving Public Comment on Proposed Rules

The Texas Workers' Compensation Commission is extending the deadline to 5:00 p.m., August 20, 1997, for receiving public comment on the following proposed rules published in the June 24, 1997, Texas Register:

Proposed New Chapter 154 - Carriers' Claims Services

Rule 154.1. Claims Service Definitions (*proposed new rule*)

Rule 154.2. Claims Service Requirements (*proposed new rule*)

Rule 154.3. Claims Service Plan (*proposed new rule*)

Rule 154.4. Performance Standards (*proposed new rule*)

Rule 154.5. Penalties and Sanctions (*proposed new rule*)

Rule 154.6. Audits (*proposed new rule*)

Proposed Amendments To Extra-Hazardous Employer Program Rules

Rule 164.3. Safety Consultation (*proposed amendment to existing rule*)

Rule 164.4. Formulation of Accident Prevention Plan (*proposed amendment to existing rule*)

Rule 164.7. Removal from "Extra-Hazardous Employer" Status and Placement in Monitor Status (*proposed amendment to existing rule*)

Rule 164.8. Continuation of Extra-Hazardous Employer Status (*proposed amendment to existing rule*)

Rule 164.10. Removal from the List of Approved Professional Sources (*proposed amendment to existing rule*)

Proposed New Rules Re: Work-Related Exposure To Communicable Disease

Rule 110.108. Employer Notice Regarding Work-Related Exposure to Communicable Disease/ HIV: Posting Requirements; Payment for Tests. (*proposed new rule*)

Rule 122.3. Exposure to Communicable Diseases: Reporting and Testing Requirements for Emergency Responders (*proposed new rule*)

Rule 122.4. State Employees Exposed to Human Immunodeficiency Virus (HIV): Reporting and Testing Requirements (*proposed new rule*)

A public hearing to receive public testimony on these proposed rules has been scheduled for August 20, 1997. The public hearing for the proposed new rules regarding work-related exposure to communicable disease (proposed new rules 110.108, 122.3 and 122.4) is scheduled for 10:00 a.m. The public hearing for the proposed amendments to the Chapter 164 (Extra- Hazardous Employer Program) rules is scheduled for 10:30 a.m. The public hearing for the proposed new Chapter 154 (Carriers' Claims Services) rules is scheduled for 1:00 p.m. For more information, call (512) 440-3700.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709882

Elaine Crease

Program Assistant, General Counsel's Office

Texas Workers' Compensation Commission

Filed: July 30, 1997



Texas Youth Commission

Request for Qualifications for Architect/Engineering Firms for TYC Construction, Remodeling and Maintenance Projects for FY 98-99

The Texas Department of Criminal Justice, acting as construction manager for the Texas Youth Commission (TYC) announces that it requires professional design services in connection with new construction projects, remodeling of existing facilities, and other maintenance activities at various locations throughout the state, pursuant to the provisions the Government Code, Chapter 2254, Subchapter A. The TYC intends to contract with one or more firms to provide such services on an as-needed basis through August 31, 1999.

Projects anticipated for the FY 98-99 building program are divided into three groups with a pool of firms to be qualified in each group. The project groups are as follows:

GROUP A: New Construction - The main project anticipated in this group is a new facility to house approximately 330 students. In addition to housing, this project will include such activities as administration, education, recreation, multi purpose space, perimeter security system with gatehouse and sallyport, and security. All buildings are expected to require various levels of electronic security equipment, security hardware, and attack rated construction (in selected buildings). Construction for this type of use is usually pre-engineered metal buildings or wood frame. Construction cost for this particular facility is estimated to be in the range of \$13,500,000 to \$14,500,000. Projects in this group may be funded wholly or in part by a grant from the United States Department of Justice - Office of Justice Programs, and as such will be subject to all applicable federal requirements.

GROUP B: New Construction, Remodeling, and Maintenance Projects - Projects included under this group are anticipated to be primarily new construction at one or more existing facilities,

and are to include all civil and utility considerations. The main project anticipated for this group is a new security building housing approximately 30 students in individual cells. The building type is expected to be pre-engineered metal structure and roof, with concrete masonry unit exterior and interior walls. The construction cost for this project is in the \$1,500,000 to \$1,750,000 range. Additionally, various remodeling and/or maintenance projects may be included in addition to the new construction. Such additional projects may include, but are not limited to, roadway repair, site improvements, and erosion control.

GROUP C: Remodeling and Maintenance Projects - Work included in this group includes, but is not limited to: roof repair and replacement, HVAC repairs or replacement, replacement of site gas and water primary and secondary distribution systems, boiler replacement, electrical distribution system modification, site lighting improvements, site drainage improvements, new water softening systems, warehouse remodeling, foundation repairs, and general repairs. Construction costs for these projects are expected to range from less than \$100,000 up to approximately \$1,000,000.

To be considered for these services, submittals are to be clearly marked "Texas Youth Commission FY 98-99 Building Program - Group ____" (A, or B, or C - enter one group only) and must be received at the following location not later than 4:00 p.m. (CST) on August 15, 1997. Any submittal received after the stated time will be subject to disqualification. Firms interested in being considered for these services should fax their request for an RFQ Package

to: Contracts Administrator, TDCJ Facilities Division at (409) 294-8753. In case of difficulty in transmitting a fax, call (409) 294-6656. Submittals shall not include a proposed fee or compensation schedule. These services include professional engineering services, and are subject to the Professional Services Act. Submission and participation in the selection process by interested firms shall be at no cost or obligation to the TDCJ-FD. The TDCJ-FD reserves the right to select one or more firms, or reject all submittals received. Materials received will not be returned, and the TDCJ-FD shall have no obligation to any firm should it develop or use any idea suggested in the course of, or developed in connection with, its efforts to contract as provided herein. All materials submitted become the property of the TDCJ-FD. Questions regarding this Request for Qualifications should be faxed to the number shown above. Copies of questions and responses which include new information pertinent to the selection process will be forwarded to all firms that have requested RFQ Packages.

Issued in Austin, Texas, on July 30, 1997.

TRD-9709868

Steve Robinson

Executive Director

Texas Youth Commission

Filed: July 30, 1997

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